

**A BY-LAW TO REGULATE WATER, SANITARY & STORM SEWER SYSTEMS**

**BY-LAW #1203-10**

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**A BY-LAW TO REGULATE WATER, SANITARY & STORM SEWER SYSTEMS**

**BY-LAW #1203-10**

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The Council of The Town Of Sussex, under authority vested in it by Section 189 of the Municipalities Act R.S.N.B. (1973), chapter M-22 and amendments thereto, enacts as follows:

**I TITLE**

1. This By-Law may be cited as the “Town Of Sussex Water & Sewer By-Law”.
2. The provisions of this By-Law apply to the entire area within the Town limits of the Town Of Sussex and to agreements which provide service to areas outside the Town limits.

**II INTERPRETATION**

In this By-Law:

**1. GENERAL**

- (i) “Accredited laboratory” means any laboratory accredited by an authorized accreditation body, in accordance with a standard, based on “CAN-P-1585: Requirements for the Accreditation of Environmental Testing Laboratories” established by the Standards Council of Canada, as amended, or “ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories”, established by the International Organization for Standardization, as amended.
- (ii) “Clerk” means the Clerk of the Town Of Sussex.
- (iii) “Council” means the Council of the Town Of Sussex.

*II. 1. (cont'd)*

- (iv) “Customer’s sewer system” means a sewer system, not owned by the Town of Sussex.
- (v) “Day” means a time span of twenty-four hours or any part thereof.
- (vi) “Designated Sewer Officer” means the person appointed by this Municipality, and his or her successors or his or her duly authorized representative and, for the Town of Sussex, the Works Officer of the Works Department is the Designated Sewer Officer.
- (vii) “Dwelling unit” means a room or suite of two or more rooms designed or intended for use, by an individual or family, in which culinary facilities are restricted to kitchen and sanitary conveniences provided for the exclusive use of such individual or family.
- (viii) “Inspector” means a person authorized by this Municipality to carry out observations and inspections and to take samples as prescribed by this by-law.
- (ix) “Municipality” means the Town of Sussex.
- (x) “Owner” means the person in whose name the property is assessed, under the Assessment Act, chapter A-14, R.S.N.B. (1973) and amendments thereto and includes the executors, administrators and assigns of such person.
- (xi) “Person” means any individual, association, partnership, company, public or Private Corporation or agency of the Province Of New Brunswick, agency or any other legal entity, or employee of such person.
- (xii) “Town”, when hereinafter used, shall mean and include all the area within the boundary limits of the Town Of Sussex.
- (xiii) “Treasurer” means the Treasurer of the Town Of Sussex.
- (xiv) “Works Officer” means the Works Officer of the Works Department of the Town Of Sussex or his designate.

*II. (cont'd)*

**2. WATER SYSTEM**

- (i) “Water system” includes a system of wells, reservoirs, water mains and appurtenances and lands owned by this Municipality, which are required for the drawing, storing, treating, distributing and the selling of water to customers and for fire protection services.
- (ii) “Reservoir” means a facility where water is stored.
- (iii) “Water and/or water supply” means the water supplied by the water system to customers for the purposes specified in this By-Law.
- (iv) “Meter” means an apparatus to measure the consumption of water or wastewater.
- (v) “Water main” means a pipe which distributes water in the streets or public places.
- (vi) “Water service” means any water pipe operated by or on behalf of this Municipality to which owners of premises are connected by a building water line at the property line.
- (vii) “Water service lateral” means a water pipe leading from a watermain to a building served.
- (viii) “Building water line” means the extension of the water service from the property line to a building being served.
- (ix) “Private water system” means a water system owned by a person other than this Municipality.
- (x) “Automatic sprinklers” means a system of pipes filled with water, under pressure, inside a building with valves which open automatically when the temperature rises but does not include a system with sprinkler heads, to a maximum number permitted in the National Building Code which are placed on the same pipe line as the domestic plumbing system.
- (xi) “CAN/CSA” means Canadian Standards Association

*II. (cont'd)*

- (xii) “Cross connection” means a connection or a potential connection between any part of a potable water system and other environment containing other substances in a manner which, under any circumstances, could allow such substances to enter the potable water system.

**3. SANITARY SEWER SYSTEM**

- (i) “Backwater valve” means a device which is intended to stop the flow of wastewater from backing into a building and such is located within a building and installed in a manner allowing access to the internal workings of the valve for maintenance and repair purposes, and installed in accordance with the National Building Code.
- (ii) “Best management practices (BMP)” means an integrated plan to control and reduce the release of restricted and prohibited waste into the wastewater works to a practicable extent, through methods, including physical controls, Pretreatment Processes, operational procedures and staff training.
- (iii) “Biomedical waste” means biomedical waste as defined in a federal and/or provincial Statute or Regulation, as appropriate for this municipality, as amended from time to time.
- (iv) “Blowdown water” means recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system, materials contained in the system, the further build-up of which would or might impair the operation of the system.
- (v) “BOD” or “Biochemical Oxygen Demand” means the quantity of oxygen, expressed in milligrams per litre, utilized in the biochemical oxidation of matter within a one hundred and twenty hour period, at a temperature of twenty degrees centigrade, as determined in procedures set forth in “Standard Methods For The Examination Of Water And Wastewater”.

*II .3. (cont'd)*

- (vi) “Building sanitary drain” means that part of the lowest horizontal piping of a drainage system which collects wastewater from drainage pipes, inside the walls of the building and conveys it to the building sanitary sewer, which begins one and one-half (1½) metres outside the inner face of the building walls.
- (vii) “Building sanitary sewer” means the extension of a building sanitary drain to the sanitary sewer service at the property line.
- (viii) “Chemical oxygen demand (COD)” means a measure of the capacity of water to consume oxygen, as a result of oxidation of inorganic chemicals and decomposition of organic matter.
- (ix) “Clear-water waste” includes non-contact cooling water and other water that has not come into contact with wastewater contaminant sources.
- (x) “Code of practice” means a set of practices applicable to specific industrial, commercial or institutional sector operations; a code of practice identifies mandatory procedures, equipment, training or other provisions required, as a condition of wastewater discharge into the sewer system, by the specified sector discharger.
- (xi) “Combustible liquid” means a liquid that has a flash point not less than 37.8 degrees Celsius and not greater than 93.3 degrees Celsius.
- (xii) “Compliance program” means the necessary steps undertaken, by a discharger, to bring wastewater discharged into the municipal sewer, into compliance with the terms and conditions of this by-law or related permit. Compliance programs are applicable to existing dischargers only; new discharges must fully comply with the requirements of this by-law.
- (xiii) “Composite sample” means a volume of wastewater, storm water, uncontaminated water, clear-water or effluent, made up of three or more grab samples, which have been combined automatically or manually and taken at intervals, during the sampling periods.



*II. 3 (cont'd)*

- (xiv) “Cooling water” means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product or finished product, but does not include blowdown water.
- (xv) “Dental amalgam” means a dental filling material consisting of an amalgam of mercury, silver and other materials such as copper, tin or zinc.
- (xvi) “Dental amalgam separator” means any technology, or combination of technologies, designed to separate dental amalgam particles from dental operation wastewater.
- (xvii) “Interceptor” means a receptacle that is installed to prevent oil, grease, sand or other materials, from passing into the sewer system.
- (xviii) “Domestic wastewater” means waste produced on a residential premise, or sanitary waste and wastewater from showers and restroom washbasins, produced on a non-residential property.
- (xix) “Extra strength” refers to wastewater released to the sewer that is higher in concentration for one or more constituent concentrations set out in Schedule “E” or containing constituents identified in Schedule “E”.
- (xx) “Flow monitoring point” means an access place to the sewer service for the purpose of:
  - a. Measuring the rate or volume of wastewater, storm water, clear waste water or subsurface water released from the premises; and
  - b. Collecting representative samples of the wastewater, storm water, clear waste water or subsurface water released from the premises.
- (xxi) “Fuels” include alcohol, gasoline, naphtha, diesel fuel, fuel oil and any other ignitable substance intended for use as a fuel.
- (xxii) “Grab sample” means a volume of wastewater, storm water, uncontaminated water or effluent, which is collected over a period, not exceeding 15 minutes.

*II. 3 (cont'd)*

- (xxiii) “Hauled waste” means any industrial waste which is transported to and deposited into any location in the sanitary sewer system, excluding hauled wastewater.
- (xxiv) “Hauled wastewater” means wastewater removed from a wastewater system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet or a wastewater holding tank.
- (xxv) “Hazardous substances” means:
- a. any substance or mixture of substances, other than a pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity; and
  - b. any substance that is designated as a hazardous substance, within the meaning of a federal and/or provincial Statute.
- (xxvi) “Hazardous waste” means any Hazardous Substance disposed of, as waste.
- (xxvii) “Ignitable waste” means a substance that:
- a. is a liquid, other than an aqueous solution, containing less than 24 percent alcohol by volume and has a flash point less than 93 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Setaflash Closed Cup Tester (ASTM D-3828-97) or (ASTM D-3278-96e1), the Pensky-Martens Closed Cup Tester (ASTM D-93-97), or as determined by an equivalent test method;
  - b. is a solid and is capable, under standard temperature and pressure, of causing fire, through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently, that it creates a danger;
  - c. is an ignitable compressed gas, as defined in the regulations under the federal and/or provincial Statute or Regulation, as appropriate for this municipality, as amended; or

*II. 3*

*(xxvii)(cont'd)*

- d. is an oxidizing substance, as defined in the regulations under the federal and/or provincial Statute or Regulation, as appropriate for this municipality, as amended.
- (xxviii) “Industrial” means of or pertaining to manufacturing, commerce, trade, business or institutions, as distinguished from domestic or residential.
- (xxix) “Industry” means any owner or operator of industrial, commercial or institutional premises from which there is a discharge of any matter, directly or indirectly, into a sanitary sewer, combined sewer or storm sewer of the Municipality. “Matter” includes any solid, liquid or gas.
- (xxx) “Institution” means a facility, usually owned by a government and operated for public purposes, such as schools, universities, medical facilities (hospitals, nursing stations, nursing homes), museums, prisons, government offices or military facility. Some of these facilities produce non-residential discharges to sewers, from, for example, laboratories, chemical use and industrial processes.
- (xxxix) “Matter” includes any solid, liquid or gas.
- (xxxii) “mg/l” means milligrams per litre and shall be equivalent to parts per million by weight.
- (xxxiii) “Monitoring access point” means a place of access, such as a chamber, in a private sewer connection, to allow for observation, sampling and flow measurement, of the wastewater, uncontaminated water or storm water therein.
- (xxxiv) “Non-contact cooling water” means water which is used to reduce temperature, for the purpose of cooling and which does not come into direct contact with any raw material, intermediate or finished product, other than heat.
- (xxxv) “Non-domestic wastewater” means all wastewater except domestic wastewater, storm water, uncontaminated water, and septic tank waste.

*II. 3 (cont'd)*

- (xxxvi) “Oil and grease” means n-Hexane extractable matter, as described in Standard Methods.
  
- (xxxvii) “Pathological waste” means pathological waste within the meaning of a federal and/or provincial Statute or Regulation, as appropriate for the municipality.
  
- (xxxviii) “PCBs” means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contains one or more of them.
  
- (xxxix) “Pesticide” means a pesticide, regulated under federal and/or provincial Statute or Regulation, as appropriate for this municipality.
  
- (xl) “pH” means the logarithm to the base 10, of the reciprocal, of the weight of hydrogen ions, in grams per litre of solution and denotes alkalinity or acidity.
  
- (xli) “Pollution prevention” means the use of processes, practices, materials, products or energy, that avoid or minimize the creation of pollutants and wastes, at the source.
  
- (xlii) “Pollution prevention plan” means a detailed plan, which identifies operations or activities of an owner or operator of commercial, institutional or industrial premises, identifying specific pollution prevention methods to be implemented, within a specific time frame.
  
- (xliii) “Pollution prevention plan summary” means a summary of the pollution prevention plan and a brief summary of an owner’s or operator’s progress, towards its pollution prevention goals.
  
- (xliv) “Pretreatment” means the reduction, elimination or alteration of pollutants in wastewater, prior to discharge into the sanitary sewer. This reduction or alteration can be obtained by physical, chemical, or biological processes, through pollution prevention, or by other means, except by diluting the concentration of the pollutants.

*II. 3 (cont'd)*

- (xlv) "Pretreatment processes" means one or more treatment processes or devices designed to remove sufficient matter from wastewater, discharged into the municipal sewer to enable compliance with effluent limits established in this by-law. Pretreatment processes prevent or reduce and control the discharge or deposit of matter, from the discharger's premises, into the municipal sewer connection.
- (xlvi) "Prohibited waste" means prohibited waste, as defined in Schedule "B" of this by-law
- (xlvii) "Reactive waste" means a substance that:
- a. is normally unstable and readily undergoes violent changes without detonation;
  - b. reacts violently with water;
  - c. forms potentially explosive mixtures with water;
  - d. when mixed with water, generates toxic gases, vapours or fumes, in a quantity, sufficient to present danger to human health or the environment;
  - e. is a cyanide or sulphide bearing waste, which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes, in a quantity sufficient to present danger to human health or the environment;
  - f. is capable of detonation or explosive reaction, if it is subjected to a strong igniting source or if heated under confinement;
  - g. is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or
  - h. is an explosive (Class 1), as defined in the regulations, under the federal and/or provincial Statute or Regulation, as appropriate for this municipality, as amended.
- (xlviii) "Restricted waste" means restricted waste, as defined in Schedule "B" of this by-law,

*II. 3 (cont'd)*

- (xlix) “Sampling port” means a valve, tap, or similar device on equipment, a drain pipe or at another suitable location, to allow for sampling, consistent with technical guidelines that this Municipality may establish, from time to time.
- (l) “Septic tank waste” means any waste extracted from a cesspool, septic tank, sewage holding tank, seepage pit, interceptor or other containment, for human excretion and wastes.
- (li) “Sewer” means a pipe, conduit, drain, open channel or ditch for the collection and transmission of wastewater, storm water or uncontaminated water or any combination thereof.
- (lii) “Spill” means a direct or indirect discharge, into the wastewater works, storm sewer or the natural environment which is abnormal, in quantity or quality, in light of all the circumstances, of the discharge.
- (liii) “Standard methods” means a procedure or method set out in Standard Methods, for the Examination of Water and Wastewater, published jointly by the American Public Health Association, American Water Works Association and the Water Environment Federation, recent or latest edition or approved in writing by the Designated Sewer Officer.
- (liv) “Sanitary sewer main” means a pipe, for the collection and transmission of domestic, commercial and industrial wastewater and to which, uncontaminated or cooling water, storm, surface and groundwater, are not intentionally admitted.
- (lv) “Sanitary sewer service” means any sanitary sewer pipe operated by or on behalf of the Town, to which, owners of premises are connected, by a building sanitary sewer at the property line.
- (lvi) “Sanitary sewer service lateral” means a sewer pipe leading from a sanitary sewer main, to a building being served.

*II. 3 (cont'd)*

- (lvii) “Sanitary sewer system” means all facilities and all appurtenances, including lands, for collecting, pumping, treating and disposing of wastewater.
- (lviii) “Separator” means tanks with capacity exceeding 2000 litres, using density variations, to separate insoluble petroleum from water, as regulated by the New Brunswick Department of The Environment.
- (lix) “Sewage” means wastewater.
- (lx) “Total suspended solids (TSS)” means insoluble matter, in liquid, that is removable by filtration, as determined by the appropriate procedure described in Standard Methods.
- (lxi) “Total PAHs” means the total of all of the following polycyclic aromatic hydrocarbons: Acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i,)perylene, benzo(k)fluoranthene, chrysenes, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, methylnaphthalene, naphthalene, phenanthrene and pyrene.
- (lxii) “Toxic substance” means any substance, defined as toxic under the Canadian Environmental Protection Act 1999, as amended from time to time and within the meaning of provincial Statute or Regulation, as appropriate for this municipality, as amended from time to time.
- (lxiii) “Uncontaminated water” means water, with a level of quality, which is typical of potable water, normally supplied by this Municipality.
- (lxiv) “Waste” means any material discharged into the sewerage system.
- (lxv) “Waste disposal site leachate” means the liquid containing dissolved or suspended contaminants, which emanates from waste (solid waste or garbage) and is produced by water percolating through waste or by liquid in waste.
- (lxvi) “Wastewater” means any liquid waste, containing animal, vegetable, mineral or chemical matter in solution or suspension, carried from any premises.

*II. 3 (cont'd)*

- (lxvii) “Waste radioactive substances” means substances, defined in the federal Nuclear Safety and Control Act and the regulations passed thereunder, as amended, from time to time.
- (lxviii) “Wastewater sludge” means solid material, recovered from the wastewater treatment process.
- (lxix) “Wastewater treatment facility” means any structure, lagoon or thing including lands, used for the physical, chemical, biological or radiological treatment of wastewater and includes, sludge treatment, wastewater sludge storage and disposal facilities.

**4. STORM SEWER SYSTEM**

- (i) “Storm sewer system” means a sewer that carries storm water and surface water, street wash and other waste but excludes domestic water, industrial waste and all sanitary wastewater.
- (ii) “Storm water” means the water running off the surface of a drainage area during and immediately, after a period of rain or snow melt.
- (iii) “Storm sewer main” means a pipe or series of pipes for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof but excluding any portion of a combined sewer works.
- (iv) “Subsurface water” means groundwater, including foundation drain water.
- (v) “Storm sewer service” means any storm sewer, operated on behalf of the Town, to which owners of premises are connected, by a building storm sewer at the property line.
- (vi) “Storm sewer lateral” means a storm pipe, leading from the storm sewer main, to a building being serviced.
- (vii) “Building storm sewer” means the extension of the building storm drain, to the storm sewer service, at the property line.



*II. 4 (cont'd)*

- (viii) “Building storm drain” means that part of the lowest horizontal piping, within a building, which conducts water or storm water, to a building storm sewer and which begins one and one-half (1½) metres outside the inner face of the building wall.
- (ix) “Ground water” means water, beneath the earth’s surface, accumulating as a result of seepage.
- (x) “Subsurface drainage pipe” means a pipe, installed underground, to intercept and convey subsurface water, and includes foundation drain pipes, to a storm sewer lateral, ditch, dry well, or lands of lower elevations.
- (xi) “Watercourse: means an open channel, ditch or depression, either natural or artificial, in which flow of water occurs, either continuously or intermittently.

### **III WATER SUPPLY & DISTRIBUTION SYSTEM**

The water supply and distribution system for this Municipality is for:

- providing water, for domestic purposes and fire protection, within the Town;
  - providing water for municipal purposes, which include flushing streets, fire hydrants, public drinking fountains, etc.;
  - providing water, for any other purpose, excepting when, in the opinion of the Council, the efficiency of the water service for domestic purposes and fire protection, within the Town, might thereby be impaired; and
  - providing a distribution water system, to deliver the supply of water.
1. This section of the by-law outlines the requirements to be connected to the water system.
- (i) Any person, desiring to connect his premises with a water-main or water service, shall sign and file with this Municipality, a written application, on a Municipal form, for a permit, to make such connection.
  - (ii) All water services, when approved, shall be constructed by municipal forces or qualified contractors, from the watermain to the property line.
  - (iii) The minimum size service pipe, for supplying water for domestic services, shall have an internal diameter of 19 millimeters.
  - (iv) This Municipality shall maintain the water service, from the watermain, to the property line, at this Municipality's expense.
  - (v) The owner shall maintain the water service, from the property line, to and including his premises, at their expense.

*III. 1 (cont'd)*

- (vi) It shall be the responsibility of the owner to notify this Municipality when any water service is abandoned on his property and it shall be the responsibility of the owner to have the service line disconnected from the water main at the owner's expense.
2. This section of the by-law outlines responsibilities of individuals connected to the water system.
- (i) No person, who is supplied with water by this Municipality, shall have the right to sell or furnish water to any other person, without the approval of this Municipality.
  - (ii) No person, shall be permitted to have a continuous stream of water flowing, from any tap, faucet or other apparatus or appliance, connected to the service pipe, except by permission of the Works Officer.
  - (iii) No unauthorized person, shall uncover, make any connections to or opening into, use, alter or disturb any watermain or water service or appurtenances thereof without express approval of the Works Officer.
  - (iv) No person, shall be permitted, to use Municipal water, to supply the requirements of a heat pump operation.
  - (v) No person, shall make an addition to the water works system of this Municipality or an extension to any of the watermains thereof, along any street, lane, easement or other right-of-way or public place, within this Municipality or elsewhere, without the authority of the Council.
  - (vi) No person, shall allow an alternate source of water supply to be connected to the water system.
  - (vii) No person, shall allow a private water system to be connected, directly or indirectly, to the water system.
  - (viii) No person, shall connect a water service lateral with any watermain, except under the direction and personal supervision of and to the satisfaction of, a person(s) duly authorized by Council.

*III. 2 (cont'd)*

- (ix) No person, shall have a cross connection, between this Municipality's water system and any other system, of any nature whatsoever, in accordance with this Municipality's Cross Connection And Backflow Prevention By-Law.
3. This section of the by-law, pertains to the control and use of water meters connected to the water system.
- (i) All water meters, installed by this Municipality or for this Municipality are and shall remain, the property of this Municipality.
  - (ii) It shall be mandatory, for any new commercial, agricultural, industrial, institutional or residential building or new use or uses in an existing building, to which water is connected, through the municipal distribution system, to have a water meter complete with an external remote readout, or device prescribed by this Municipality, installed prior to activation or delivery of any water to the premises. The water meter size, shall be the same size, as the diameter of the water service connection.
  - (iii) Every owner shall provide a place for a water meter, which place, in the opinion of the Works Officer, is suitably located within the building, at or near, the point of entry of the water service pipe and on the owner's side of the shut-off valve, so the meter can be easily read and will not be exposed to freezing temperatures.
  - (iv) Every owner, shall provide a place, for a remote meter reading device, that shall be connected to the meter by means of a wire conductor and such device shall be determined by the Works Officer.
  - (v) Where the premises of an owner are, of such a nature that a meter cannot be properly installed, in a building or if the building is not sufficiently frost-proof, as to guarantee the safety of the meter, the Works Officer, may order the owner to construct an approved frost-proof chamber, in which the meter can be installed.

*III. 3 (cont'd)*

- (vi) This Municipality will be responsible to supply, 19 mm diameter water meters, only to residential units. The supply of water meters, in excess of 19 mm diameter shall be purchased by the owner, in accordance with this Municipality's specifications. All water meters, shall be installed by the owner, under this Municipality's supervision.
- (vii) Where the required meter is larger than 19 mm nominal pipe diameter or serves more than one above ground floor, it shall be valved on both sides. Where the required meter is larger than 19 mm. nominal pipe diameter or where the required meter is a turbine type or compound type, the owner shall provide a valved bypass arrangement designed and installed to the satisfaction of the Works Officer to enable testing and servicing of the meter.
- (viii) The Works Officer, shall have right of access, to all parts of an owner's property or premises, at all reasonable hours, for the purpose of installing, removing, repairing, reading, testing or inspecting meters or outside remote readouts. This Municipality shall have the right to suspend water service, to any owner, who refuses such access or does not respond to requests, by the Works Officer, for such access.
- (ix) It is the owner's responsibility, to maintain clear access to water meters. Where it is not possible to read a water meter, it will be permissible for this Municipality, to estimate consumption.
- (x) No person, shall remove or in any way interfere with, any water meter affixed to a water service of this Municipality, without approval of the Works Officer.

*III. 3 (cont'd)*

- (xi) The owner, shall be responsible for the meter, on his service pipe and shall protect such water meter. The owner, shall be liable for any damage, to the meter or outside remote readout, resulting from carelessness, hot water, steam, the action of frost or any other cause, not the fault of this Municipality or its agents and employees. The cost, to this Municipality, occasioned by the damage to the water meter or outside remote readout, shall be paid by the owner. If, after the rendering of any invoice, by this Municipality, to the owner for the cost, the invoice is not paid within thirty (30) days from the date rendered, the supply of water to the premises may be suspended until all charges are paid.
- (xii) Where an owner requests a Municipally-owned water meter to be tested for accuracy, a fee; as outlined in Schedule "A"; shall be paid, prior to the test being conducted. Such fee may be refundable, only if the tested meter is found to register volumes higher, by more than five percent (5%) of the standard test.
- (xiii) Where an owner or any owner's agent requests, that the water meter be read, at any time other than the time that it is normally read, the owner shall be liable to pay, a fee, equal to the quarterly demand charge, for a unit.
- (xiv) The water supply, to any existing premises, may be metered, at the option of this Municipality. The meter, shall be of a type, approved by this Municipality. A demand charge, shall be made, in accordance with Schedule "A" of this By-Law.
- (xv) A person or his representative(s), designated by the Council, may at any reasonable hour, enter any premises in the execution of his duties, in respect of the maintenance and repair of this Municipality's water system and for the purpose, of examining and reading water meters.
- (xvi) The Council, by motion of Council, may cause the water supply, to be discontinued, to any premises, where a designated employee(s), is refused entry on such premises.

*III. (cont'd)*

4. This section of the by-law pertains to the supply of water to the water users of the water distribution system.
  - (i) This Municipality, shall not be deemed to guarantee, an uninterrupted supply or a sufficient or uniform pressure and shall not be liable, for any damage or injury incurred, by reason of the interruption of supply, variation of pressure or on account of the turning off or turning on of the water, for any cause.

**IV SANITARY SEWER COLLECTION SYSTEM**

The sanitary sewer system of this Municipality is for the collection and transportation of municipal wastewater and other septage, approved by this Municipality, to this Municipality's sewerage treatment facility.

1. This section of the by-law outlines the objectives of the sanitary sewer collection system and treatment, for this Municipality.
  - (i) Protecting the sewer collection system from corrosion, other damage and obstruction.
  - (ii) Protecting the wastewater treatment process from upset.
  - (iii) Protecting the public, municipal workers and property from hazardous conditions (such as explosions).
  - (iv) Assisting optimum wastewater system efficiency, by preventing uncontaminated water from entering the system.
  - (v) Protecting wastewater sludge quality.
  - (vi) Protecting the environment, from contaminants, that are not removed by the public treatment system(s).
  - (vii) Assisting this Municipality, in maintaining compliance with the operating conditions established, by the Department of Environment of the Province of New Brunswick.
  
2. This section of the by-law outlines the requirements, to be connected to the sanitary sewer system.
  - (i) Every owner or leaseholder of a house, building, tenement or premises, fronting or abutting, on any street, along or through which, a sanitary sewer main is laid and every owner, as aforesaid, which the Department Of Health shall require to be drained for sanitary purposes, shall cause such house, building, tenement or premises to be connected with and drained into such sanitary sewer main, by means of a sanitary sewer service lateral, to be constructed, in the manner provided for, in and by this By-Law.



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*IV. 2 (cont'd)*

- (ii) Any person, desiring to connect his premises, to any sanitary sewer main or by a sanitary sewer service lateral, shall sign and file, with this Municipality, a written application, on a Municipal form for a permit to make such connection.
- (iii) All sanitary sewer services, when approved, shall be constructed, by municipal forces or qualified contractors, from the sanitary sewer main, to the property line.
- (iv) The minimum size of a building sanitary sewer shall be one hundred millimetres (100 mm), inside diameter.
- (v) All building sewers, on private property, shall be constructed by the owner's forces, to the satisfaction of the Designated Sewer Officer and said sewers require an inspection, by this Municipality, prior to backfilling.
- (vi) All new building sanitary sewer drains, shall have a backwater valve installed, on branch sewers, in such a manner, as to protect all fixtures, including floor drains, located in floor areas below grade, from the backflow of wastewater, caused by surcharge. Installation is to be, in accordance with, Section 2.4.6.4 of the National Plumbing Code. Supply and installation of backwater valves and their required cleaning and maintenance is the responsibility, of the owner, of the building. The top of the valve or an access mechanism, must be accessible to the owner, at all times, for required maintenance, to ensure proper, continuous operation.
- (vii) This Municipality shall maintain the sanitary sewer service from the sanitary sewer main, to the property line, at the expense of this Municipality.
- (viii) The owner, shall maintain the building sanitary sewer from the property line, to and including his building, at their expense.

*IV. 2. (cont'd)*

- (ix) When any building sanitary sewer connection is abandoned, the owner or agent shall effectively block up or cap the connection at the property line, so as to prevent sewage backing up into the soil or to prevent dirt from being washed into the sanitary sewer main and such work is to be verified, by this Municipality prior to backfilling.
  - (x) No unauthorized person, shall uncover, make any connection to or opening into, use, alter or disturb any sanitary sewer main or appurtenances thereof, without the approval of the Designated Sewer Officer.
  - (xi) No person shall discharge water, from a heat pump system, into the sanitary sewer system.
3. This section of the by-law outlines controls, for the discharge of pollutants, into the sanitary sewer system and has the following objectives, to achieve this control.
- (i) no person shall release, or permit the release of, any matter, into the sanitary sewer system, except:

    - a. domestic wastewater;
    - b. non-domestic wastewater, that complies with the requirements of this by-law;
    - c. hauled wastewater, including septage, that complies with the requirements of this by-law, or where a Waste Discharge Permit has been issued, by the Designated Sewer Officer;
    - d. storm water, clear-water waste, subsurface water or other matter, where a Waste Discharge Permit has been issued, by the Designated Sewer Officer;
    - e. extra strength matter, where an Extra Strength Surcharge Agreement, is in place.
  - (ii) No person, shall release, or permit the release of, any matter into the sanitary sewer system, except, if required by this Municipality.

*IV. 3 (cont'd)*

- (iii) The Designated Sewer Officer, may issue a **Discharge Abatement Order** to:
  - a. require a person, to alter the quantity, composition, duration and timing, of the discharge or cease discharge of non-domestic waste or hauled wastewater, to this Municipality's sanitary sewer main or wastewater treatment facility;
  - b. include any terms or conditions, that could be included, in a Waste Discharge Permit; and
  - c. shut down all non-compliant releases.

The Designated Sewer Officer, may amend or cancel a Discharge Abatement Order.

**4. PRETREATMENT FACILITIES**

- (i) Where required, by the Designated Sewer Officer, the owner or operator shall, install on the premises, and prior to the sampling point, a wastewater pretreatment facility.
- (ii) The owner or operator, shall ensure that the design, operation and maintenance of the pretreatment facility, achieves the treatment objectives and is, in accordance, with the manufacturer's recommendations.
- (iii) The owner or operator, shall ensure that any waste products, from the pretreatment facility, are disposed of, in a safe manner, and in accordance with Department of Environment Acts and Regulations as amended from time to time.
- (iv) The maintenance records and waste disposal records, shall be available to the Designated Sewer Officer, upon request.
- (v) The owner or operator, shall keep documentation, pertaining to the pretreatment facility and waste disposal, for two years.

*IV. cont'd)*

**5. HAULED WASTEWATER**

- (i) No person, shall discharge hauled wastewater including septage, to this Municipality's sanitary sewer system unless:
  - a. the carrier, of the hauled wastewater including septage, operating as a waste management system, has a certificate of approval, or provisional certificate of approval, issued by, the Department of Environment, of the Province of New Brunswick or is exempt from the requirement, to have a certificate or provisional certificate of approval;
  - b. a copy, of the most recent certificate of approval or provisional certificate and any amendment, is provided to this Municipality; and
  - c. the carrier receives permission to discharge wastewater, including septage, into the sanitary sewer system, by the Designated Sewer Officer.
  - d. the carrier meets all conditions, for discharge, that are or may be set, from time to time, with respect to the haulage of wastewater, by this Municipality.
- (ii) No person, shall discharge or permit the discharge, of hauled wastewater, including septage:
  - a. at a location, other than a hauled wastewater discharge location, approved by this Municipality.
  - b. without a manifest, in a form, approved by the Designated Sewer Officer, completed and signed by the carrier and deposited in an approved location, at the time of discharge.
  - c. without the use, of a discharge hose, placed securely in the discharge portal, at the approved location.

*IV. (cont'd)*

**6. HAULED WASTE**

- (i) No person, shall discharge hauled waste, to this Municipality's sanitary sewer system, unless:
  - a. the carrier of the hauled waste, operating as a waste management system, has a certificate of approval or provisional certificate of approval, issued by the Department of Environment, of the Province of New Brunswick or is exempt, from the requirement, to have a certificate or provisional certificate of approval;
  - b. a copy, of the most recent certificate or provisional certificate and any amendment, of approval is provided to this Municipality;
  - c. hauled waste meets the conditions set out, in the Department of Environment, of the Province of New Brunswick's Acts and Regulations, as amended, from time to time; and
  - d. the carrier meets all conditions, for discharge, that are or may be set, from time to time, with respect to the haulage of waste, by this Municipality.
- (ii) No person, shall discharge or allow or cause hauled waste to be discharged, into a sewer, except at sites designated by the Designated Sewer Officer.

**7. NON-CONTACT COOLING WATER**

- (i) The discharge of non-contact cooling water or uncontaminated water, into a sanitary sewer main, from any residential property, is prohibited. The discharge of non-contact cooling water or uncontaminated water, into a sanitary sewer main, from industrial, commercial or institutional properties is permissible, where:
  - a. in the case of a proposed building, no storm sewer exists adjacent to the building and no opportunity exists, to discharge to yard drainage; *or*
  - b. in the case of an existing building, no storm connection exists to the building and no opportunity exists to discharge to yard drainage.

*IV. (cont'd)*

**8. WATER ORIGINATING FROM A SOURCE OTHER THAN THE MUNICIPAL WATER SUPPLY**

- (i) The discharge of water, originating from a source, other than this Municipality water supply, including storm water or groundwater, directly or indirectly, into the sanitary sewer system, is prohibited, unless:
- a. the discharge is, in accordance, with a Waste Discharge Permit; and
  - b. the discharge, does not exceed the limits set out, under Schedule "C", with respect to biochemical oxygen demand, total phosphorus or total suspended solids;
  - c. in the event, the discharge does exceed the limits set out under Schedule "C", with respect to any of biochemical oxygen demand, total phosphorus or total suspended solids, the discharge is, in accordance with, an Extra Strength Surcharge Agreement.

**9. PROHIBITION OF DILUTION**

No person, shall discharge, directly or indirectly, or permit the discharge or deposit of wastewater, into this Municipality's sanitary sewer main, where water has been added to the discharge, for the purposes of dilution, to achieve compliance with Schedule "C" or Schedule "E" of this by-law.

**10. MONITORING ACCESS POINT**

The monitoring access point, for the sanitary sewer system, shall be, in accordance with Section VII, Monitoring Access Point, in this by-law.

**11. SAMPLING**

The sampling for wastewater, in the sanitary sewer system, shall be, in accordance with Section VI, Sampling, in this by-law.

*IV. (cont'd)*

**12. WASTEWATER TESTING**

The Designated Sewer Officer shall carry out testing as outlined in the following subsections:

- (i) when required by the Designated Sewer Officer, the owner of any property, serviced by a building sewer carrying industrial wastes, shall install a suitable control manhole, together with such necessary appurtenances, in the building sewer, to facilitate observation and sampling of the wastes. When required, such manhole shall be constructed, in accordance with plans, approved by the Designated Sewer Officer. The manhole shall be installed, by the owner, at his expense and shall be maintained by him, so as to be safe and accessible, at all times. In the event that no special manhole is required, the control manhole shall be considered to be the nearest downstream manhole, in the sanitary sewer below the point, at which the sewer connection of the owner occurs.
- (ii) volume of wastewater is to be determined by cubic meters of water consumption or by a wastewater meter or such other method, as determined feasible, by this Municipality. BOD determinations are to be as prescribed in "Standard Methods For the Examination Of Water And Wastewater, Nineteenth Edition", or subsequent editions, published jointly by American Public Health Association, American Water Works Association and Water Pollution Control Federation.
- (iii) tests for BOD may be carried out on a weekly basis, by this Municipality and duplicate samples, may be submitted to the owner, on request.

*IV. (cont'd)*

**13. EXTRA STRENGTH SURCHARGE**

- (i) The discharge or deposit of wastewater by a person that would otherwise be prohibited by this by-law, may be permitted to an extent fixed by:
  - a. an Extra Strength Surcharge Agreement, including conditions for payment, of additional costs of operation, repair and maintenance of the wastewater works, and on other terms and conditions, as may be deemed appropriate, by this Municipality; and/or
  - b. a Sanitary Discharge Agreement, including conditions for payment, for water pollution control treatment, that otherwise, would have been obtained from a surcharge on the water, had it been supplied, by this Municipality and on other terms and conditions, as may be deemed appropriate, by this Municipality.
- (ii) The Designated Sewer Officer, may assess an extra strength surcharge, for wastewater releases that exceed the limits of treatable parameters. An Extra Strength Surcharge Agreement may only be entered into, with respect to the discharge, of the following treatable parameters in wastewater: biochemical oxygen demand and/or chemical oxygen demand, total phosphorus, oil and grease of animal and vegetable origin, total suspended solids and total Kjeldahl nitrogen. Schedule "E" provides the maximum concentrations the Designated Sewer Officer will consider, for Extra Strength Surcharge Agreements. The discharger, shall pay the assessed amount, per the terms established, by the Designated Sewer Officer, for the duration of the discharge.



*IV. 13. (cont'd)*

- (iii) Should testing of the wastewater being discharged into the sanitary sewer collection system be required for the purpose of determining the wastewater surcharge rate, such testing shall be conducted, by the Designated Sewer Officer, or by the owner, to the satisfaction of the Designated Sewer Officer, using automated sampling devices or in accordance with the following manual sampling protocol:
  - a. Samples from the effluent, produced at a location will be collected each day, for a minimum of two days;
  - b. A minimum of four grab samples of equal volume shall be taken each day, and such samples to be taken at least one hour apart;
  - c. The analysis shall be conducted on a composite sample made, of each day's grab samples;
  - d. The respective results of these tests, shall be averaged, to determine the characteristics and concentration of the effluent being discharged into this Municipalities sanitary sewer collection system.
- (iv) A Sanitary Discharge Agreement may be entered into, with respect to the discharge of wastewater, which contains water that has originated from a source, other than the Municipal water supply system.
- (v) Extra Strength Surcharge Agreements and Sanitary Discharge Agreements, shall be generally in the form, designated by the Designated Sewer Officer, from time to time. The Designated Sewer Officer, after approval by this Municipality's Council, shall be authorized to execute Extra Strength Surcharge Agreements and Sanitary Discharge Agreements on behalf of this Municipality.
- (vi) The extra strength surcharge rate and the sanitary discharge rate will be reviewed and adjusted accordingly, from time to time, as determined by this Municipality.
- (vii) The agreements contemplated in this Section may be terminated by the Municipality, by written notice at any time, including but not limited to, an emergency situation of immediate threat or danger to any person, property, plant or animal life, water or sanitary sewer system.

*IV. (cont'd)*

**14. FOOD-RELATED GREASE INTERCEPTORS**

- (i) Every owner or operator, of a restaurant or other industrial, commercial or institutional premises, where food is cooked, processed or prepared, for which the premises is connected directly or indirectly, to a sanitary sewer main, shall take all necessary measures, to ensure that oil and grease are prevented from entering the sanitary sewer main, in excess of the provisions of this by-law.
- (ii) The owner or operator of the premises, as set out in this Subsection, shall install, operate, and properly maintain an oil and grease interceptor, in any piping system at its premises, that connects directly or indirectly to a sewer. The oil and grease interceptors, shall be installed, in compliance with the most current requirements of the applicable code. The installation of the oil and grease interceptor shall meet the requirements of the Canadian Standards Association national standard CAN/CSA B-481.2, as amended.
- (iii) All oil and grease interceptors, shall be maintained, according to the manufacturer's recommendations. The testing, maintenance and performance of the interceptor shall meet the requirements of CAN/CSA B-481. Traps should be cleaned, before the thickness of the organic material and solids residuals is greater than twenty-five percent of the available volume; cleaning frequency should not be less than every four weeks. Maintenance requirements should be posted in the workplace, in proximity to the grease interceptor.
- (iv) A maintenance schedule and record of maintenance shall be available to the Designated Sewer Officer, upon request for each interceptor installed.
- (v) The owner or operator of the restaurant or other industrial, commercial or institutional premises, where food is cooked, processed or prepared, shall, for two years, keep the document of proof, for interceptor clean-out and oil and grease disposal.

*IV. 14 (cont'd)*

- (vi) Emulsifiers shall not be discharged to the sewer system through interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through a grease interceptor.
- (vii) In the case of failure to adequately maintain the grease interceptor, to the satisfaction of the Designated Sewer Officer, the Designated Sewer Officer may require an alarmed monitoring device to be installed, at the expense of the owner, in accordance with specifications of CAN/CSA B-481.
- (viii) All interceptors shall be of a type and capacity approved by the Designated Sewer Officer and shall be so located as to be readily and easily accessible, for cleaning and inspection. Where installed, all food related grease interceptors shall be maintained by the owner at their expense, for continuously efficient operation, at all times.
- (ix) Each and any separator shall be, in accordance with, the guidelines for separators, as issued by the New Brunswick Department Of Environment.

**15. VEHICLE AND EQUIPMENT SERVICE OIL AND GREASE INTERCEPTORS**

- (i) Every owner or operator, of a vehicle or equipment service station, repair shop or garage or of an industrial, commercial or institutional premises or any other establishment, where motor vehicles are repaired, lubricated or maintained and where the sanitary discharge is, directly or indirectly, connected to a sewer, shall install an oil and grease interceptor, designed to prevent motor oil and lubricating grease from passing into the sanitary sewer main, in excess of the limits in this by-law.

*IV. 15. (cont'd)*

- (ii) The owner or operator, of the premises as set out in Subsection (i), shall install, operate, and properly maintain an oil and grease interceptor, in any piping system, at its premises, that connects, directly or indirectly, to a sewer. The oil and grease interceptors, shall be installed, in compliance with the most current requirements of the applicable code and be maintained, as recommended, by the Canadian Petroleum Products Institute (CPPI).
- (iii) All interceptors, shall be of a type and capacity, approved by the Designated Sewer Officer and shall be so located, as to be readily and easily accessible for cleaning and inspection. Where installed, all grease and oil interceptors shall be maintained, by the owner, at their expense, for continuously efficient operation at all times.
- (iv) Each and any separator, shall be, in accordance with the guidelines for separators, as issued by the New Brunswick Department Of Environment.
- (v) All oil and grease interceptors and separators shall be maintained in good working order and according to the manufacturer's recommendations and shall be inspected by the owner or operator, regularly, to ensure performance is maintained to the manufacturer's specifications for performance and inspected to ensure the surface oil and sediment levels do not exceed the recommended level.
- (vi) A maintenance schedule and record of maintenance, shall be submitted to the Designated Sewer Officer, annually, for each oil and grease interceptor installed.
- (vii) The owner or operator, of the premises, as set out in Subsection (i), shall, for two years, keep the document of proof, for interceptor clean-out and oil and grease disposal.
- (viii) Emulsifiers shall not be discharged to the sewer system through interceptors. No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through an oil and grease interceptor.

*IV. 15. (cont'd)*

- (ix) In the case of failure to adequately maintain the oil and grease interceptor to the satisfaction of the Designated Sewer Officer, the Designated Sewer Officer may require an alarmed monitoring device to be installed, at the expense of the owner.

**16. SEDIMENT INTERCEPTORS**

- (i) Every owner or operator of the premises, from which sediment may, directly or indirectly, enter a sanitary sewer main, including but not limited to premises using a ramp drain or area drain and vehicle wash establishments, shall take all necessary measures, to ensure that such sediment is prevented from entering the sanitary sewer drain or sanitary sewer main, in excess of the limits in this by-law.
- (ii) All sediment interceptors shall be maintained in good working order and according to manufacturer's recommendations and shall be inspected regularly by the owner or operator to ensure performance is maintained to the manufacturer's specifications for performance.
- (iii) The owner or operator of a premises as set out in Subsection (i), shall, for 2 years, keep documentation of interceptor clean-out and sediment disposal.
- (iv) A maintenance schedule and record of maintenance, shall be submitted to the Designated Sewer Officer, upon request, for each sediment interceptor installed.
- (v) All interceptors shall be of a type and capacity, approved by the Designated Sewer Officer and shall be so located as to be readily and easily accessible, for cleaning and inspection. Where installed, all grit and sand interceptors shall be maintained, by the owner, at his expense, for continuously efficient operation at all times.
- (vi) Each and any separator, shall be in accordance with the guidelines for separators as issued, by the New Brunswick Department Of Environment.

*IV. (cont'd)*

**17. DENTAL WASTE AMALGAM SEPARATOR**

- (i) Every owner or operator of the premises from which dental amalgam may be discharged, which waste may, directly or indirectly, enter a sanitary sewer, shall install, operate and properly maintain dental amalgam separator(s) with at least 95% efficiency in amalgam weight and certified ISO 11143 – “Dental Equipment: Amalgam Separators”, in any piping system, at its premises that connects, directly or indirectly, to a sanitary sewer, except where the sole dental-related practice at the premises consists of one or more of the following specialties or type of practice:
  - a. Orthodontics and dentofacial orthopaedics;
  - b. Oral and maxillofacial surgery;
  - c. Oral medicine and pathology;
  - d. Periodontics; or
  - e. A dental practice consisting solely of visits by a mobile dental practitioner, who prevents any dental amalgam from being released, directly or indirectly to the wastewater works.
- (ii) Notwithstanding Subsection (i), any person operating a business, from which dental waste amalgam is or could be discharged, directly or indirectly, to a sanitary sewer main, at premises which are constructed or substantially renovated, shall install, operate and properly maintain dental waste amalgam separator(s), in any piping system which is connected, directly or indirectly, to a sewer.
- (iii) Notwithstanding compliance with Subsection (i) and (ii), all persons operating or carrying on the business of a dental practice shall comply with Schedule “B” and Schedule “D” of this by-law.
- (iv) All dental waste amalgam separators shall be maintained in good working order and according to the manufacturer’s recommendations.
- (v) A maintenance schedule and record of maintenance shall be submitted to the Designated Sewer Officer, upon request, for each dental amalgam separator installed.

*IV. 17. (cont'd)*

- (vi) Each and any separator, shall be in accordance with the guidelines for separators, as issued by the New Brunswick Department Of Environment.
- (vii) All interceptors, shall be of a type and capacity, approved by the Designated Sewer Officer and shall be so located, as to be readily and easily accessible for cleaning and inspection. Where installed, all dental amalgam interceptors, shall be maintained by the owner at his expense, for continuously efficient operation, at all times.
- (viii) Each and any separator, shall be in accordance with the guidelines for separators, as issued by the New Brunswick Department Of Environment.

**18. FOOD WASTE GRINDERS**

- (i) No person, shall install or operate, within this Municipality, any food waste grinding devices, for domestic purposes, the effluent from which will discharge, directly or indirectly, into a sanitary, combined or storm sewer.
- (ii) In the case of industrial, commercial or institutional properties, where food waste grinding devices are installed, in accordance with the applicable code, the effluent from such food waste grinding devices must comply with Schedule 'B' and Schedule 'C'.
- (iii) Food waste grinders shall not be equipped with motors, in excess of ½ horsepower.

**19. SPILL**

In the event of a spill, into the sanitary sewer system, the reporting shall be, in accordance with Section VIII, Spill, in this by-law.

**20. AUTHORITY OF DESIGNATED SEWER OFFICER**

The authority of the Designated Sewer Officer shall be, in accordance with, section IX, Designated Sewer Officer, in this by-law.

**V     STORM SEWER COLLECTION & DISPOSAL**

The storm sewer system is for the collection and disposal of storm water.

1. This section outlines the requirements to be connected to the storm sewer system.
  - (i) Every owner or leaseholder of a house, building tenement or premises, fronting or abutting on any street, along or through which a storm sewer is laid and may be drained, for storm purposes, shall cause such house, building, tenement or premises to be connected with and drained into such storm sewer, by means of a storm sewer service, to be constructed, in a manner provided for, in and by this By-Law.
  - (ii) Any person desiring to connect his premises with any storm sewer, shall sign and file with this Municipality, a written application on a Municipal form for a permit, to make such connection.
  - (iii) All storm sewer services, when approved, shall be constructed by municipal forces or qualified contractors, from the storm sewer main, to the property line.
  - (iv) The minimum size of a building storm sewer shall be one hundred millimeters (100 mm), inside diameter.
  - (v) All building storm sewers on private property shall be constructed by the owner's forces, to the satisfaction of the Designated Sewer Officer.



*V. (cont'd)*

2. This section of the by-law pertains to the control and use of the storm sewer system.
  - (i) All new building storm drains shall have a backwater valve installed, in such a manner as to protect the subsoil drainage pipe from any surcharge from the storm sewer main. When a backwater valve is installed, it is to be in accordance with, Section 2.4.6.4 of the National Plumbing Code. Supply and installation of backwater valves and their required cleaning and maintenance is the responsibility of the owner of the building. When a backwater valve is installed, the top of the valve or an access mechanism must be accessible to the owner, at all times, for required maintenance, to ensure proper continuous operation.
  - (ii) This Municipality shall maintain the storm sewer service from the storm sewer to the property line if the storm sewer line is to be accessed at the expense of this Municipality.
  - (iii) The owner shall maintain the building storm sewer from the property line, to and including his building, at their expense.
  - (iv) When any building storm sewer connection is abandoned, the owner or agent shall effectively block up or cap the connection at the property line so as to prevent storm water backing up into the soil or to prevent dirt from being washed into the storm sewer main and such work is to be verified, by this Municipality, prior to backfilling.

*V. (cont'd)*

- (v) No person shall discharge, release, suffer or cause to be discharged, into this Municipality's storm sewer system, or any public or private connections to the storm sewer system, any matter of any type or at any temperature or in any quantity, which may interfere with the proper operation of a storm sewer, or which may obstruct a storm sewer or the flow therein, or which may be or may become a hazard to persons, animals or property, or which may impair the quality of the water in any well, river, spring, stream, reservoir or other water or watercourse and without limiting the generality of the foregoing, any of the items outlined in Schedule "F".

**3. PROHIBITION OF DILUTION**

- (i) No person shall discharge, directly or indirectly, or permit the discharge or deposit of wastewater into this Municipality's storm sewer main, where water has been added to the discharge, for the purposes of dilution, to achieve compliance with this by-law.
- (ii) No person shall discharge, directly or indirectly, or permit the discharge or deposit of any matter into this Municipality's storm sewer, where water has been added to the discharge for the purposes of dilution to achieve compliance with this by-law.

**4. SAMPLING**

The sampling for wastewater in the storm sewer system, shall be in accordance with Section VI, -Sampling, in this by-law.

**5. MONITORING ACCESS POINT**

The monitoring access point for the storm sewer system, shall be in accordance with section VII, Monitoring Access Point, in this by-law.

**6. SPILL**

In the event of a spill into the storm sewer system, the reporting shall be in accordance with Section VIII, Spill, in this by-law.

**7. AUTHORITY OF DESIGNATED SEWER OFFICER**

The authority of the Designated Sewer Officer shall be, in accordance with section IX, Designated Sewer Officer in this by-law.

**VI. SAMPLING**

1. Where sampling is required, for the purposes of determining the concentration of constituents in the wastewater, storm water or uncontaminated water, the sample may:
  - (i) be collected manually or by using an automatic sampling device; and
  - (ii) contain additives for its preservation.
2. For the purpose of determining compliance with Schedule "B", discrete wastewater streams within premises may be sampled, at the discretion of the Designated Sewer Officer.
3. Any single grab sample may be used to determine compliance with Schedules "B" and "C".

**VII. MONITORING ACCESS POINTS**

1. The owner or operator of commercial, institutional or industrial premises or multi-storey residential buildings with one or more connections to a sanitary and/or storm sewer system, shall install and maintain in good repair, in each connection, a suitable monitoring access point to allow observation, sampling and flow measurement of the wastewater, uncontaminated water or storm water therein, provided that, where installation of a monitoring access point is not possible, an alternative device or facility may be substituted, with the prior written approval of the Designated Sewer Officer.
2. The monitoring access point or alternative device, such as a sampling port shall be located on the property of the owner or operator of the premises, as close to the property line as possible, unless the Designated Sewer Officer has given prior written approval for a different location.
3. Each monitoring access point, device or facility installed, shall be designed and constructed in accordance with good engineering practice and the requirements of the Municipality, and shall be constructed and maintained by the owner or operator of the premises, at their expense.
4. The owner or operator of an industrial, commercial or institutional premises or a multi-storey residential building shall, at all times, ensure that every monitoring access point, alternative device or facility installed, as required by this by-law, is accessible to the Designated Sewer Officer, for the purposes of observing, sampling and flow measurement of the wastewater, uncontaminated water or storm water therein.
5. The following discharger activities require sampling ports, when it is not possible to install a monitoring access point:
  - (i) Dental offices
  - (ii) Businesses using photographic processing units.

**VIII SPILL**

1. In the event of a spill into the storm and sanitary sewer system, as well as, into the water distribution network, the person responsible or the person having the charge, management and control of the spill, shall immediately notify and provide any requested information with regard to the spill to:
  - (i) If there is any immediate danger to human health and/or safety
    - a. 9-1-1 emergency

*or*
  - (ii) If there is no immediate danger:
    - a. the Municipality, by contacting the Works Officer and or Designated Sewer Officer, and
    - b. the owner of the premises, where the release occurred, and
    - c. any other person, whom the person reporting knows or ought to know, may be directly affected, by the release.
  
2. The person shall provide a detailed report on the spill to this Municipality, within five working days after the spill, containing the following information to the best of his or her knowledge:
  - (i) Location where spill occurred;
  - (ii) Name and telephone number of the person who reported the spill and the location and time where they can be contacted;
  - (iii) Date and time of spill;
  - (iv) Material spilled;
  - (v) Characteristics and composition of material spilled;
  - (vi) Volume of material spilled;
  - (vii) Duration of spill event;
  - (viii) Work completed and any work still in progress in the mitigation of the spill;
  - (ix) Preventative actions being taken to ensure a similar spill does not occur again; and
  - (x) Copies of applicable spill prevention and spill response plans.

*VIII. (cont'd)*

3. The person responsible for the spill and the person having the charge, management and control of the spill shall do everything reasonably possible to contain the spill, protect the health and safety of citizens, minimize damage to property, protect the environment, clean up the spill and contaminated residue and restore the affected area to its condition prior to the spill.
4. Nothing in this by-law relieves any persons from complying with any notification or reporting provisions of:
  - (i) Other government agencies, including federal and provincial agencies, as required and appropriate, for the material and circumstances of the spill; or,
  - (ii) Any other by-law of this Municipality.
5. This Municipality may invoice the person responsible for the spill, to recover costs of time, materials and services arising as a result of the spill. The person responsible for the spill shall pay the costs invoiced.
6. This Municipality may require the person responsible for the spill to prepare and submit a spill contingency plan to the Municipality, to indicate how risk of future incidents will be reduced and how future incidents will be addressed.

**IX. AUTHORITY OF DESIGNATED SEWER OFFICER TO INVESTIGATE**

1. The Designated Sewer Officer has the authority to carry out any inspection reasonably required to ensure compliance with this by-law, including but not limited to:
  - (i) Inspect, observe, sample and measure the flow in any private:
    - a. drainage system,
    - b. wastewater disposal system,
    - c. storm water management facility; and
    - d. flow monitoring point.
  - (ii) Determine water consumption by reading water meters;
  - (iii) Test flow measuring devices;
  - (iv) Take samples of wastewater, storm water, clear-water waste and subsurface water being released from the premises or flowing within a private drainage system;
  - (v) Perform on-site testing of the wastewater, storm water, clear-water waste and subsurface water within or being released from private drainage systems, pretreatment facilities and storm water management facilities;
  - (vi) Collect and analyze samples of hauled wastewater coming to a discharge location;
  - (vii) Make inspections of the types and quantities of chemicals being handled or used on the premises in relation to possible release to a drainage system or watercourse;
  - (viii) Require information from any person concerning a matter including the inspection and the receiving of copy documents or the removal of documents from premises to make copies;
  - (ix) Inspect chemical storage areas and spill containment facilities and request Material Safety Data Sheets (MSDS) for materials stored or used on site;
  - (x) Inspect the premises where a release of prohibited or restricted wastes or of water containing prohibited or restricted wastes has been made or is suspected of having been made, and to sample any or all matter that in his/her opinion could have been part of the release.
2. No person shall hinder or prevent the Designated Sewer Officer from carrying out any of his/ her powers or duties.

**X. COMPLIANCE PROGRAMS**

1. An Industry may submit to, the Designated Sewer Officer, a proposed compliance program setting out activities to be undertaken by the Industry that would result in the prevention or reduction and control of the discharge or deposit of matter from the Industry's premises into municipal or private sewer connections to any sanitary sewer system. Compliance program submissions will only be considered for existing industries.
2. An Industry may submit, to the Designated Sewer Officer, a proposed compliance program setting out activities to be undertaken by the Industry that would result in the prevention or reduction and control of the discharge or deposit of uncontaminated water, ground water or from the Industry's premises to eliminate the discharge of matter into municipal sewer connections.
3. Upon receipt of an application pursuant to Subsection X (1) or (2) above, the Designated Sewer Officer may issue an approval for a compliance program for an Industry to discharge an effluent that does not comply with Schedule "B" and "C" of this by-law, such approval to be in accordance with this Municipality's guidelines, adopted by this Municipality, from time to time. The Industry shall be entitled to make non-complying discharges in the amount and only to the extent set out in this Municipality's approval during the planning, design and construction or installation of facilities or works needed to implement the approved compliance program.
4. Every proposed compliance program shall be for a specified length of time, during which pretreatment facilities or other measures are to be installed or implemented and shall be specific as to the remedial actions to be implemented by the Industry, the dates of commencement and completion of the activity and the materials or other characteristics of the matter to which it relates. The final activity completion date shall not be later than the final compliance date in the compliance program.
5. The Industry to which a compliance program has been issued, shall submit a compliance program progress report to this Municipality within 14 days after the scheduled completion date of each activity listed in the compliance program.



*X. (cont'd)*

6. This Municipality may terminate any proposed compliance program, by written notice, at any time, to the Industry, in the event that the Industry fails or neglects to carry out or diligently pursue the activities required of it, under its approved compliance program.
7. This Municipality is authorized to execute agreements with industries, with respect to approved compliance programs. These agreements may, in accordance with guidelines adopted by this Municipality, from time to time, include a provision for a reduction in the payment, otherwise required from the Industry, to this Municipality pursuant to an Extra Strength Surcharge Agreement. The reduction in payment to this Municipality may be in such an amount and for such duration as the agreement may specify.
8. This Municipality may terminate any approved compliance program entered into pursuant to Section X, by written notice, at any time, to the Industry, in the event that the Industry fails or neglects to carry out or diligently pursue the activities required of it, under its approved compliance program, and in the event of any such termination, the Industry shall pay, to this Municipality, the full difference in amount between what it was required to pay to this Municipality, pursuant to the Extra Strength Surcharge Agreement, and the amount actually paid to this Municipality as a result of having entered into an agreement, with respect to the approved compliance program.

**XI. CODES OF PRACTICE**

1. Application:
  - (i) A code of practice applies to the Designated Sector Operations, as outlined in Schedule “D” of this by-law
  - (ii) A code of practice does not apply to a discharging operation that is subject to a Waste Discharge Permit, unless otherwise specified in the Waste Discharge Permit.
  - (iii) A code of practice does not apply to the discharge of domestic wastewater.
2. Nothing in a code of practice relieves a person discharging waste from complying with this by-law, a Waste Discharge Permit or any other applicable enactment.
3. The Designated Sewer Officer may require a discharging operation to obtain a Waste Discharge Permit, if considered necessary, by the Designated Sewer Officer, because of circumstances not covered by a code of practice.
4. As a condition of discharge of waste into a sewer connected to a wastewater facility, an operator of a discharging operation must submit to the Designated Sewer Officer, code of practice information:
  - a. Within 90 days of the date of adoption of the applicable code of practice in the case of a discharging operation in existence on the adoption date; or
  - b. In all other cases, within 30 days of the discharging operation commencing the discharge of waste into a sewer connected to a wastewater facility.
5. An operator must report any change in the ownership, name, location, contact person, telephone number, or fax number of a discharging operation registered under a code of practice to the Designated Sewer Officer within 30 days of the change by submitting code of practice information.
6. An operator must report any change in the discharging operation registered under a code of practice resulting in the operation no longer meeting the definition applicable to that type of discharging operation within 30 days of the change by submitting code of practice information.

*XI. (cont'd)*

7. If a code of practice establishes a requirement in relation to a specific discharging operation which differs from a provision in this by-law, the requirement in the code of practice prevails.

**XII. POLLUTION PREVENTION PLANNING**

1. Every subject sector Industry identified in Schedule “C” and Schedule “E” of this by-law and every Industry which discharges any amount of a subject pollutant identified in Schedule “E” of this by-law shall prepare a Pollution Prevention Plan and submit a copy to this Municipality with respect to the premises from which the discharge occurs, unless such Industry continually meets the requirements of Schedule “B” and Schedule “C”.
2. Pollution Prevention Plans submitted to this Municipality shall be approved by this Municipality, unless this Municipality determines that the pollution prevention plan does not comply with the requirements of this article.
3. The Pollution Prevention Plan shall be in the form designated by this Municipality for that purpose, from time to time.
4. In addition to any other matter or requirement designated by this Municipality, and notwithstanding Subsection XII(iii), each Pollution Prevention Plan shall include the following:
  - (i) A description of the processes at the premises which use or produce subject pollutants.
  - (ii) A description of those processes at the premises which are to be the subject of pollution prevention planning.
  - (iii) A list of the subject pollutants present at the premises, at any stage of the operations, of the premises.
  - (iv) A description setting out the types, quantities and concentrations, of all subject pollutants discharged, directly or indirectly, to a sewer.
  - (v) A description of current waste reduction, recycling, waste treatment and pollution prevention activities, with respect to sewer discharges at the premises.
  - (vi) A description of pollution prevention options for subject pollutants and sewer discharge and an evaluation of those options.
  - (vii) A list of possible targets and timeframes, as specified by this Municipality, to reduce or eliminate the discharge of subject pollutants to this Municipality’s sewers.
  - (viii) A declaration from an authorized person that the content of the plan is, to the best of that person’s knowledge, true, accurate and complete.

*XII. (cont'd)*

5. In the event that the activity or business of an Industry which discharges any amount of a subject pollutant listed in Schedule "C" is not listed in Schedule "E" of this by-law, then that Industry shall prepare a Pollution Prevention Plan and submit a copy of the Pollution Prevention Plan.
6. Any subject sector Industry and any Industry discharging any amount of a subject pollutant, which commences business operations, shall have one year from the date of the commencement of its business operations to prepare a Pollution Prevention Plan and submit a copy of the Pollution Prevention Plan to this Municipality.
7. In the event that an Industry submitting a Pollution Prevention Plan is not sent written notice from this Municipality, that its Pollution Prevention Plan is not approved by this Municipality, within 90 days of the Industry delivering a copy of the Pollution Prevention Plan to this Municipality, the Pollution Prevention Plan shall be deemed to have been approved, by this Municipality.
8. Where an Industry receives notice from this Municipality that its Pollution Prevention Plan has not been approved, the Industry shall have 90 days to amend and resubmit its Pollution Prevention Plan to this Municipality for approval in accordance with this article.
9. In the event that a Pollution Prevention Plan resubmitted to this Municipality in accordance with Subsection X (viii) of this section continues to fail to comply with the requirements of this by-law, this Municipality shall so notify the Industry, and the Industry shall be in contravention of Subsection XII (i) and shall continue to be in contravention of this section until such time as this Municipality approves of an amended Pollution Prevention Plan resubmitted by the Industry, in accordance with this section.

*XII. (cont'd)*

10. Every subject sector Industry and every Industry discharging a subject pollutant shall submit a revised Pollution Prevention Plan for the approval of this Municipality, at least once every three years from the date which the original plan was required to be submitted. Such revised and updated Pollution Prevention Plan shall, in addition to the requirements otherwise set out in this section, detail and evaluate the progress of the Industry to accomplish the objectives set out in its Pollution Prevention Plan and the Industry's ability to accomplish those pollution prevention objectives.
11. Every subject sector Industry and every Industry discharging a subject pollutant shall prepare a revised and updated Pollution Prevention Plan, no less frequently than once every six years from the date which the original plan was required to be prepared, and shall prepare and submit, for this Municipality's approval, a copy of the Pollution Prevention Plan with respect thereto, no later than the date by which any revised and updated Pollution Prevention Plan must be prepared.
12. Where a subject sector Industry makes changes to the process(es), product(s) or facility configuration that will result in changes to the Pollution Prevention Plan, a revised or updated Pollution Prevention Plan must be prepared and a copy of the Pollution Prevention Plan shall be submitted for this Municipality's approval within 2 calendar months of the change(s).
13. This Municipality may designate any class of business or activity not included in Schedule "E" of this by-law, as a subject sector Industry and may designate a date with respect to which any such subject sector shall be required to submit to this Municipality, a copy of the Pollution Prevention Plan.
14. This Municipality may designate any matter as a subject pollutant and may designate a date with respect to which any Industry discharging such subject pollutant shall be required to submit to the Municipality, a copy of the Pollution Prevention Plan.
15. A copy of the Pollution Prevention Plan shall be kept at all times at the premises in respect to which it was prepared and shall be available for inspection, by this Municipality, at any time.

*XII. (cont'd)*

16. Implementation of the Pollution Prevention Plan shall be initiated, within one year of Plan approval, by this Municipality.

**XIII GENERAL**

1. For the purpose of the administration of this by-law, a designated employee of the Town may, upon production of his identification, enter any commercial or industrial premises, to observe, measure and sample the flow of water or wastewater to any sewer.
2. No person shall break, damage, destroy, deface or tamper with:
  - (i) Any part of a storm sewer or sanitary sewer system
  - (ii) Any device, whether permanently or temporarily installed in a storm sewer or sanitary sewer system for the purpose of measuring, sampling and testing water or wastewater.
3. For purposes of enforcement of this by-law, the Works Officer for the Town is hereby designated, as the person authorized, to lay information relative to any breach of this by-law.

**XIV WATER, WASTEWATER, & STORM SEWER RATES & CHARGES**

1. The water, wastewater, and storm sewer charges levied under this By-Law are outlined in Schedule “A”.
2. The owner of a building or premises connected to a watermain and/or sanitary sewer main owned by the Town shall pay or cause to be paid to the Treasurer, the water and sanitary sewer rates imposed, with respect to such building or premises at the time and at the rates set forth in Schedule “A”.
3. The Council may, by resolution, prescribe a discount for prompt payment of water and wastewater bills.
4. The “Water User Charge” shall be comprised of:
  - (i) a fixed charge that shall be billed to each owner of property connected to or who has access to the system;
  - (ii) a consumption charge based on the volume of water recorded by the meter on the service or as estimated in a manner approved by Council; and
  - (iii) an annual stand-by charge for such buildings that are connected to the Town water system and are equipped with water sprinkler systems.
5. The fixed charge portion of the Water User Charge shall be set in accordance with the meter size and shall be reviewed periodically and approved by Council. Consumption rates per cubic meter and the annual stand-by charge shall be as outlined in Schedule “A”.
6. The Water User Charge shall be invoiced quarterly, including the fixed charge and consumption charge.
7. The owner of a property connected to the water and/or sanitary sewer system may be charged a flat rate for water and sanitary sewer service, for each dwelling unit as set forth in Schedule “A”. The flat rate for water and sewer user charges shall be billed, for a period of time, as determined by Council.



**Water & Sewer By-Law**

**By-Law #1203-10**

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*XIV. (cont'd)*

8. In a case where the number of units is not established, the Council may pass a motion to amend the Non-metered User Unit Table on an individual basis. This shall not prevent Council from re-evaluating said unit(s) at any time in the future.
9. The owner of a property, which has a water meter, shall be charged a sanitary sewer service rate based on a percentage of the water cost, as determined by Council, from time to time, as set forth in Schedule "A".
10. The owner of an industrial plant,, which discharges wastewater shall be charged a sanitary sewer charge based on the volume of wastewater as determined by a wastewater meter and the BOD of the discharge wastewater, in accordance with the rates as set forth in Schedule "A".
11. A property owner who has private fire hydrant(s) which receive water from the Town's watermain, shall be charged an annual service charge fee as set forth in Schedule "A".
12. A residential property owner(s) may choose to be charged a flat rate rather than a metered rate for water consumption, in accordance with the Town's policy and a sanitary sewer service on one occasion, at the start of a semi-annual billing period and such practice may remain in place until the Town completes meter installation, for all residential properties.
13. The property owner of a building may request that the water service to such building be shut off or turned on at the curb stop and the service charge for each request shall be as set forth in Schedule "A".
14. The Town may turn off a water service, where a service has been discontinued for non-payment of an account and such service shall not be reconnected, until the account and the reconnect fee are paid in full.
15. The Town will not charge an owner for a water service turn off or turn on, which results from necessary repairs to the service.

*XIV. (cont'd)*

16. Any work that may be required to turn off or turn on a water service, beyond the normal work hours of the Town Works Department shall be billed to the owner, at an overtime rate in accordance with the Town's Standard Charges Policy for the Works Department.
17. The owner of a building or premises shall pay for a water and/or wastewater service connection and storm sewer service connection, in advance, to the Town in accordance with a rate set by Council provided that the service was not installed by a developer or by a qualified contractor on behalf of the owner. The service connection shall mean the installation of the required water and wastewater pipes and appurtenances from the Town mains to the nearest boundary line of the owner's property.
18. All user charges, rates, fees, rentals and penalties payable for water and/or wastewater services, supplied to or with respect to any land within the Town, that is not liable to taxation under the Assessment Act, shall be a debt due to the Town, by the owner or occupier of such land.
19. When any water rates, user charges, rentals and penalties under this By-Law remain unpaid for a period of sixty days after same becomes due, the Treasurer shall add a penalty for non-payment, amounting to one percent per month, compounded monthly, until paid and when such rates, user charges, rentals and penalties remain unpaid for a period of six months, after same becomes payable, the service shall be discontinued by the Town.
20. The owner of a building or premises shall be liable for all rates for water, wastewater and storm sewer user charges, service connections, rentals and penalties imposed, with respect to such building or premises, whether occupied by themselves or their tenants.

**Water & Sewer By-Law**

**By-Law #1203-10**

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*XIV. (cont'd)*

21. All user-charge rates, fees, rentals and penalties payable for water and/or wastewater services, supplied to or with respect to any land within the Town, that is liable to taxation under the Assessment Act and are due and payable for a period of sixty days, constitute a special lien and charge on such land in priority to every claim, privilege, lien or encumbrance of every person, except the Crown, whether the right or title of that person has accrued before or accrues after the lien arises, and such lien is not lost or impaired by any neglect or omission of the Town or of any officer or employee of the Town or by want of registration, but such special lien and charge shall not apply to land.
  
22. No person shall be entitled to damages or to a refund of any payment for a stoppage or interruption of water supply occasioned by accident, frost or for the purpose of making additions or repairs to the water works or to any service pipe or for any purpose which, in the opinion of the Town, is necessary or desirable.

**XV    NOTICE**

The Town shall provide ten (10) days notice to an owner who is in arrears; which notice may be given by Registered Mail addressed to the owner, postage prepaid and without prejudice to any rights which the Town may have; that the Town may discontinue and/or disconnect service to the property, until such time as the account and/or any other charges have been paid in full.

**XVI PENALTIES**

1. Any person found violating any provision of this By-Law or who suffers or permits any act or thing to be done in contravention or violation of any provision thereof or neglects or fails to do any act or thing herein required is liable, on summary conviction, to a fine as may be imposed for commission of an offence, punishable under Part II of the Provincial Offences Procedure Act, R.S.N.B. (1973), Chapter P-22.1, and amendments thereto, as a Category C offence.
2. The provisions of Section XIV are cumulative and optional and one or more of the remedies provided to the Town may be undertaken, simultaneously, at the option of the Town.

**XVII PLURAL OR FEMININE TERMS**

Plural or feminine terms may apply whenever the singular, masculine or feminine is used in this By-Law. It shall be considered as if the plural, feminine or masculine has been used, where the context of the party or parties hereto so requires.

**XVIII VALIDITY**

The invalidity of any section, clause, sentence or provision of this By-Law shall not affect the validity of any other part of this By-Law, which can be given effect without such invalid part or parts.

**XIX BY-LAW REPEALED**

1. The repeal of “A By-Law To Regulate Water & Wastewater Systems In The Town Of Sussex, By-Law #1203-06” 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 manner or thing whatsoever, completed, existing or pending, at the time of repeal.
2. The By-Law entitled “A By-Law To Regulate Water & Wastewater Systems In The Town Of Sussex, By-Law #1203-06” that came into force on the 18th day of December, 2006, and amendments thereto, are hereby repealed.

|   |                       |
|---|-----------------------|
| <b>READ FIRST TIME BY TITLE</b>               | <u>MARCH 21, 2011</u> |
| <b>READ SECOND TIME BY TITLE</b>              | <u>MARCH 21, 2011</u> |
| <b>READ IN ENTIRETY</b>                       | <u>MAY 24, 2011</u>   |
| <b>THIRD READING BY TITLE<br/>AND ENACTED</b> | <u>JUNE 20, 2011</u>  |

RALPH A. CARR  
MAYOR

PAUL I. MAGUIRE  
TOWN CLERK

**A BY-LAW TO REGULATE WATER, SANITARY AND STORM SEWER  
SYSTEMS - BY-LAW # 1203-10**

**SCHEDULE "B"  
SANITARY SEWER PROHIBITED WASTES**

Page 1/3

- I. No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of wastewater into the Town's sanitary sewer system in circumstances where:
- (A) To do so may cause or result in:
- (i) A health or safety hazard to a person authorized by the Municipality to inspect, operate, maintain, repair or otherwise work on a wastewater works;
  - (ii) An offence under the Clean Environment Act of the Province of New Brunswick as amended from time to time, or any regulation made thereunder from time to time;
  - (iii) Wastewater sludge from the wastewater treatment facility works to which either wastewater discharges, directly or indirectly, to fail to meet the objectives and criteria as listed in the Clean Environment Act of the Province of New Brunswick, as amended from time to time;
  - (iv) Interference with the operation or maintenance of a wastewater works, or which may impair or interfere with any wastewater treatment process;
  - (v) A hazard to any person, animal, property or vegetation;
  - (vi) An offensive odour to emanate from wastewater works, and without limiting the generality of the foregoing, wastewater containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia in such quantity as may cause an offensive odour;
  - (vii) Damage to the sanitary sewer system;
  - (viii) An obstruction or restriction to the flow in wastewater works.

**Town of Sussex, N.B.**

**By-Law # 1203-10**

**Schedule "B"**

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- (B) The wastewater has two or more separate liquid layers.
  
- (C) The wastewater contains:
  - (i) Hazardous substances;
  - (ii) Combustible liquid;
  - (iii) Biomedical waste, including any of the following categories: human anatomical waste, animal waste, untreated microbiological waste, waste sharps and untreated human blood and body fluids known to contain viruses and agents listed in "Risk Group 4" as defined in "Laboratory Biosafety Guidelines" published by Health Canada, dated, 2004, as amended.
  - (iv) Specified risk material for bovine spongiform encephalopathy as defined in the federal Fertilizers Regulations (C.R.C., c. 666), as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, or material from the distal ileum of cattle of all ages.
  - (v) Dyes or colouring materials which may or could pass through a wastewater works and discolour the wastewater works effluent;
  - (vi) Fuel;
  - (vii) Ignitable waste.
  - (viii) Pathological waste.
  - (ix) PCBs.
  - (x) Pesticides which are not otherwise regulated in this bylaw.
  - (xi) Reactive waste.
  - (xii) Toxic substances which are not otherwise regulated in this Bylaw.
  - (xiii) Waste radioactive substances in excess of concentrations greater than those specified for release to the environment under the Nuclear Safety and Control Act and Regulations or amended versions thereof.

**Town of Sussex, N.B.**

**By-Law # 1203-10**

Schedule "B"

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- (xiv) Solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in a sewer, including but not limited to ashes, bones, cinders, sand, mud, soil, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animal parts or tissues, and paunch manure.
  
- (D) The wastewater contains a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Schedule "C" of this Bylaw, unless:

  - (i) The discharge is in accordance with a valid Sanitary Discharge Agreement, Extra Strength Surcharge Agreement or compliance program;
  
- (E) The wastewater that contains the inorganic contaminants is outlined in Schedule "D".



**A BY-LAW TO REGULATE WATER, SANITARY AND STORM SEWER SYSTEMS  
BY-LAW # 1203-10**

**SCHEDULE "C"  
RESTRICTED WASTES – SANITARY SEWER DISCHARGES**

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**CONVENTIONAL CONTAMINANTS and PHYSICAL PARAMETERS**

| Substance  | Concentration Limit–<br>[mg/L, except as noted] |
|--|---|
| Biochemical Oxygen Demand                          | 300   |
| Chemical Oxygen Demand                             | 600   |
| Oil and grease - animal and vegetable              | 150   |
| Oil and grease - mineral and synthetic/hydrocarbon | 15  |
| Total Suspended Solids                             | 300   |
| pH   | 6.0 - 10.5 (unitless)                           |
| Temperature  | 60 Degrees Celsius                              |

**ORGANIC CONTAMINANTS**

| Substance                                | Concentration Limit–<br>[mg/L, except as noted] |
|--|---|
| Benzene                                  | 0.01  |
| Chloroform                               | 0.04  |
| Dichlorobenzene (1,2-)                   | 0.05  |
| Dichlorobenzene (1,4)                    | 0.08  |
| Ethylbenzene                             | 0.06  |
| Hexachlorobenzene                        | 0.0001  |
| **Methylene chloride (dichloromethane)   | 0.09  |
| PCBs (chlorobiphenyls)                   | 0.004   |
| **Phenols, Total (or Phenolic compounds) | 0.1   |
| **Tetrachloroethane (1,1,2,2 - )         | 0.06  |
| **Tetrachloroethylene                    | 0.06  |
| Toluene                                  | 0.02  |
| Trichloroethylene                        | 0.05  |
| Xylenes, total                           | 0.3   |

**A BY-LAW TO REGULATE WATER, SANITARY AND STORM SEWER  
SYSTEMS - BY-LAW # 1203-10**

**SCHEDULE “D”  
INORGANIC CONTAMINANTS**

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| <b>Substance</b>               | <b>Concentration Limit– [mg/L, except as noted]</b> | <b>Considerations for Setting Limits</b>  |
|--------------------------------|---|---|
| Arsenic, total                 | 1.0   |   |
| Cadmium, total                 | 0.7   | Codes of Practice or P27 Plans may be required to achieve this limit  |
| **Chromium, total              | 2.8   | Codes of Practice or P2 Plans may be required to achieve this limit   |
| Cobalt, total                  | 5.0   |   |
| Copper, total                  | 2.0   | Codes of Practice or P2 Plans may be required to achieve this limit   |
| **Cyanide, total               | 1.2   | Codes of Practice or P2 Plans may be required to achieve this limit   |
| **Lead, total                  | 0.7   | This limit is based on a USEPA technology standard; some Canadian Bylaws contain higher limits (e.g. Toronto’s limit is 10 mg/l)        |
| Mercury                        | 0.01  | Codes of Practice or P2 Plans may be required to achieve this limit   |
| Molybdenum, total              | 5.0   |   |
| **Nickel, total                | 2.0   | Codes of Practice or P2 Plans may be required to achieve this limit   |
| Nitrogen, Total Kjeldahl       | 50  |   |
| Phosphorus, total              | 10  |   |
| **Selenium, total              | 0.8   | Codes of Practice or P2 Plans may be required to achieve this limit   |
| **Silver, total                | 0.4   | Codes of Practice or P2 Plans may be required to achieve this limit. This limit may be problematic for photo finishing dischargers      |
| Sulphide (as H <sub>2</sub> S) | 1.0   |   |
| **Zinc, total                  | 2.0   | Municipalities with high zinc in drinking water sources may need to match the zinc concentration to that of the finished drinking water |

**A BY-LAW TO REGULATE WATER, SANITARY AND STORM SEWER  
SYSTEMS - BY-LAW # 1203-10**

**SCHEDULE "E"  
MAXIMUM WASTEWATER STRENGTH LIMITS UNDER EXTRA  
STRENGTH SURCHARGE AGREEMENT**

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| <b>Substance</b>                            | <b>Maximum Concentration Limits under an Extra Strength<br/>Surcharge Agreement, mg/l</b> |
|---|---|
| Biochemical Oxygen Demand (BOD)             | 1200  |
| Chemical Oxygen Demand (COD)                | [determined by municipality based on industrial sector and<br>treatment capacity]         |
| Total Suspended Solids (TSS)                | 1200  |
| Oil and grease - animal and vegetable (O&G) | 450   |
| Total Phosphorus (TP)                       | [determined by municipality based on treatment capacity]                                  |
| Total Kjeldahl Nitrogen (TKN)               | [determined by municipality based on treatment capacity]                                  |

**A BY-LAW TO REGULATE WATER, SANITARY AND STORM SEWER  
SYSTEMS - BY-LAW #1203-10**

**SCHEDULE "F"  
STORM SEWER PROHIBITED WASTES**

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No person shall discharge, release, suffer or cause to be discharged into this Municipality's storm sewer system, public or private connections to the storm sewer system, any of the following:

- (i) wastewater or uncontaminated water or matter having a temperature in excess of seventy-five (75) degrees Celsius;
- (ii) wastewater having a pH less than 6.0 or greater than 9.5 or having any other corrosive or scale forming properties capable of causing damage or hazards to the storm sewer system or people working on the public storm sewer system;
- (iii) explosive matter, gasoline, benzene, naphtha, fuel oil or other flammable or explosive matter or wastewater containing any of these in any quantity;
- (iv) wastewater containing more than fifteen (15) milligrams per litre of solvent extractable material;
- (v) water which consists of two or more separate liquid layers;
- (vi) water of which the BOD exceeds fifteen (15) milligrams per litre;
- (vii) water containing more than fifteen (15) milligrams per litre of suspended solids;
- (viii) water containing any matter which will not pass through a screen having openings not larger than 3.35 millimeters square;

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**Schedule "F"**

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- (ix) matter of a type or quantity that has or may emit a toxic or poisonous vapour or a chemical odour that may interfere with the proper operation of the storm sewer system, constitute a hazard to humans, animals or property or create any hazard or become harmful in the receiving waters of the storm sewer system;
- (x) noxious or malodorous gases or substances capable of creating a public nuisance including, but not limited to, hydrogen sulphide, mercaptans, carbon disulphide or other related sulphur compounds, amines and ammonia;
- (xi) effluent from petroleum interceptors or separators;
- (xii) effluent from geothermal heat extraction systems;
- (xiii) water containing color or colored matter, which water would require a dilution in excess of 4 parts of distilled water to 1 part of such water to produce a mixture the color of which is not distinguishable from that of distilled water.
- (xiv) water containing any of the following in excess of the indicated concentrations:

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

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Schedule "F"

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