

VILLAGE OF HARVEY

By-Law 2014-09

A BY-LAW RESPECTING THE
SANITARY SEWERAGE SYSTEM AND SEWER CHARGES

WHEREAS the Village is empowered to provide sewage services to the residents of the Village of Harvey and is further empowered by section 189 of the Municipalities Act R.S.N.B.(1973), Chapter M-22, and amendments thereto, hereby enacts the following Sewerage By-Law No. 2014-09:

1. Definitions

- (a) "backwater valve" shall mean an approved device which prevents flow in a pipe from reversing;
- (b) "building" includes a mobile home and any trailer used for purposes for which buildings are ordinarily used;
- (c) "building inspector" means the Building Officer appointed by the Village of Harvey;
- (d) "Council" shall mean the Council of the Village of Harvey;
- (e) "dwelling unit" means a room or suite of two or more rooms used, designed or intended to be used by an individual or family in which culinary and sanitary facilities are provided for the exclusive use of such individual or family;
- (f) "lateral" means a sewer pipe leading from a building to a service line;
- (g) "Manhole" shall mean a structure atop an opening in a gravity sanitary sewer to permit entry;
- (h) "natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water;
- (i) "owner" means
 - (1) The person in whose name a parcel of land upon which a building is situate is assessed under the Assessment Act of New Brunswick and includes the executors, administrators and assigns of such person; and
 - (2) where a parcel of land is not assessed under the Assessment Act, the owner thereof or any building situate thereon;
- (f) "sanitary sewerage system" means a system of one or more interconnected service lines having one or more common discharge outlets and includes necessary pumping, plants, force mains, siphons, other like works, treatment works and disposal plants;
- (g) "sanitary sewerage system service area" means all land within the Village of Harvey by which a service line runs and which is within 46 metres of a service line;
- (h) "service line" means a sewer main and includes the extension from a sewer main to the boundary line of land adjacent to the sewer main;
- (i) "sewage" shall mean any liquid waste other than clear-water waste or storm water.

SANITARY SEWERAGE SYSTEM

2. (1) Where a sanitary sewerage system is made available by the Village in any part of the Village, the Village shall operate and maintain the sanitary sewerage system.
- (2) Council shall appoint and employ such officers and employees as it deems necessary from time to time for the efficient and continuous operation of the sanitary sewerage system and for carrying out any of the requirements of this By-Law.
- (3) Council may administer, supervise, and control the construction, operation, and maintenance of the sanitary sewerage system and the Council may delegate any administrative or supervisory functions or duties to a committee or to one or more officers or employees.
- (4) Council shall cause to be made and maintained:
 - (a) Plans of the sanitary sewerage system showing the location, depth, material, size, shape, thickness, and construction thereof and all additions and alterations made thereto from time to time; and
 - (b) A record of all work done in connection with the sanitary sewerage system showing the cost of labour and material for each job, the depth of the pipe, the location of shutoffs and any other details of each job and the system required for the efficient and continuous operation and maintenance of the sanitary sewerage system.

ORDER REQUIRED TO CONNECT UP WITH SANITARY SEWERAGE SYSTEM

3. (1) Where a building is situated in the sanitary sewerage system area, the owner shall have constructed, installed, and maintained a lateral connecting the building with the service line in accordance with the provisions of this By-Law.
- (2) Every building erected in the Village subsequent to the enactment of this By-Law which stands on land by which a service line runs shall, notwithstanding paragraph 1 (g) hereof, be deemed to be situate in the sanitary sewerage system area.
- (3) All costs and expenses incident to the construction, installation and connection of the lateral to the service line and of the maintenance of the lateral shall be borne by the owner.
- (4) The owner shall be responsible for cleaning a stopped-up lateral, regardless of where the blockage occurs in the lateral.

PERMIT REQUIRED

4. (1) No person shall uncover, make any connections with or opening into, extension of, addition to, use of, or otherwise alter or disturb the sanitary sewerage system without first having obtained written permission from the Council or its authorized agent.

(2) Any permission granted under this By-Law may be suspended or revoked by Council, if in the opinion of Council the sewage facility approved by such permit is not being installed or maintained in compliance with the provisions of this By-Law.

(3) Applications for the construction or installation of any work included under section 3(2) shall not be accepted after October 31st of any year.

(4) Any construction, installation or work included under section 3(2) shall not be undertaken after November 30th or prior to April 15th of any year unless approved by Council.
5. Notwithstanding subsection 3(1), no person shall connect a lateral servicing a manufacturing or industrial plant with the sanitary sewerage system unless the owner thereof has met any special requirements of the Council.
6. (1) Before the construction or replacement of a lateral and the connection of it with the sanitary sewerage system, the owner of the land on which the building is situated, or his agent shall
 - (a) File with the Clerk an application for a lateral in Form A hereto annexed or in such other form as may be approved by Council;
 - (b) Pay to the Clerk of the Village the sum of One Dollar (\$1.00), Provided however that no sum shall be payable with respect to an application for a lateral which is filed with the Clerk prior to the 31st day of December, 1980; and
 - (c) Receive the written permission of Council or its authorized agent.
(2) The owner or his agent shall notify Council or its agent when the lateral is ready for inspection and connection to the sanitary sewerage system.

(3) No connection to the sanitary sewerage system shall be made except under the direct and personal supervision of a person duly authorized by Council on that behalf.

(4) The agent of Council supervising a connection pursuant to subsection (3) shall not allow the connection of a lateral, if in his opinion the standards and specifications set out in sections 7 to 9 inclusive hereof have not been complied with in full.

STANDARDS AND SPECIFICATIONS

7. (1) A lateral shall include all apparatus and appliances necessary to ensure the proper functioning of the lateral and to ensure proper sanitary and health conditions in and about the building connected to the sanitary sewerage system.

(2) Without limiting the generality of subsection (1) hereof, the owner shall, at his expense, install a “**back-water valve**” or similar apparatus in the connection of the building to the sanitary sewerage system necessary to insure the proper functioning of the connection and to prevent flooding, and such back-water valve or similar apparatus shall be of type and quality and installed in a manner satisfactory to the Council or its authorized agent.
8. Notwithstanding subsection 3(1), no person shall connect any building with the sanitary sewerage system unless the building is supplied with running water sufficient at all times to ensure the proper functioning of the connection.
9. The pipe used in a lateral shall be:
 - (a) Of a diameter not less than 100 millimeters,
 - (b) Made of polyvinyl chloride to CSA B182.1, 1976, DR 35 minimum,
 - (c) Tightly sealed,
 - (d) Laid at a slope of not less than 10 millimeters per lineal meter, and
 - (e) Placed at a sufficient depth within the ground or otherwise sufficiently secured to ensure that it is protected from frost and other hazards under ordinary conditions.
10. (1) Where the owner of land in the sanitary sewerage system service area on which a building is situated fails to install or maintain a lateral connecting the building with the sanitary sewerage system in accordance with the provisions of this By-Law, Council may by resolution instruct the Clerk to serve a notice upon such owner requiring him to comply with the provisions of this By-Law.

(2) Such notice shall define what action is required by the owner and the time frame in which the work is to be done.
11. The notice provided for in section 10 may be served:
 - (a) by personal service upon the person named therein; or
 - (b) by registered mail addressed to the person named therein; or
 - (c) by being posted in a conspicuous place on the premises if service cannot be reasonably effected under clause (a) or (b).

PROHIBITED MATERIALS AND SUBSTANCES

12. (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run off, or cellar drainage into the sanitary sewerage system.
- (2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet.
13. No person shall discharge or cause to be discharged any of the following into the sanitary sewerage system or other public sewer:
- (a) Any gasoline, motor oil, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
 - (b) Any water wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either single or by interaction with other wastes, to injure or interfere with the sanitary sewerage system or any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;
 - (c) Any waters or wastes having corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sanitary sewerage system;
 - (d) Solid or viscous substances in quantities or size capable of causing obstruction to the flow in the sanitary sewerage system or other interference with the proper operation of the sanitary sewerage system.

USER CHARGES

14. (1) Financing, operations and maintenance costs will be appropriated through user fees established annually during Council budget deliberations. Classes of users shall be categorized by the following number of equivalent residential units: Sewage By-law 2014-09

CLASS	USER UNITS
Single Residence	1
Cottage	1
Mobile Home	1
Trailer (on private or leased lot)	1

Apartments	One unit per apartment.
Schools or Institutions	One unit per 15 pupils and staff or fraction thereof.
Senior Citizens & Nursing Homes	One unit for every 3 beds or fraction thereof.
Hospitals	One unit for every 2 beds or fraction thereof.
Clubs	5
Churches	1
Recreation Centre	5
Arena	5
Retail Stores, Drug Stores, Banks, Supermarkets, Offices (less than 10 employees)	1
Retail Stores, Drug Stores, Banks, Supermarkets, Offices (over 10 employees)	One unit for every 10 employees or fraction thereof.
Barber Shop	1
Beauty Salon	1
Garages and Service Stations	1 ½ bays per unit.
Car Wash	3
Automatic Laundry	One unit for every 2 washers.
Warehouses	1
Taverns	5
Restaurants (Licensed)	5
Restaurants (Not licensed)	3
Motels, Hotels & Tourist Cabins	One unit for every 3 rooms or fraction thereof.

Boarding House	One unit for every 4 boarders.
Tourist Home	1 ½ units per home.
Canteen	1
Funeral Parlour	2
Bakery	2

15. (1) The annual user charge established pursuant to section 14 shall be payable in two equal installments to be called the First Installment (January 1 – June 30) and the Second Installment (July 1 – Dec 31). The annual user charge is to be set on the budget review by Council.

(2) Payments are due and payable upon receipt of invoice. (Net 30 days)

(3) All amounts outstanding, including accumulated interest and surcharges at the end of six months from the date of billing shall be subject to a surcharge at a rate of 9%. The surcharge will be applied effective the last day preceding the next installment billing.

(4) All arrears of user charges levied pursuant to this By-Law together with any non-payment accumulated over \$300.00 thereon constitutes a debt due to the Village and the Village may place a registered lien with a court of competent jurisdiction against the property as provided for in the section 189 (10) of the Municipalities Act; and where proceeding legal action is required, the cost of this action will be added to the unpaid account balance.

(5) Nothing herein shall affect any lien or other right with respect to user charges and penalties vested in the Village pursuant to the Municipalities Act.

15. The owner of land in the sanitary sewerage system service area upon which a building is situate:

(a) Shall pay or cause to be paid to the Village the annual sewer user charge applicable to the building as established by the annual resolution of Council pursuant hereto, and in the manner and on the terms prescribed by this By-Law; and

(b) Is liable for all such sewer charges together with penalties levied thereon whether the building is occupied by himself or his tenants and whether or not the building is connected to the sanitary sewerage system, provided that the owner shall not be liable for any charges levied with respect to a building which is not connected to the sanitary sewerage system until the Village has first given him notice pursuant to section 10 hereof requiring him to connect the building to sanitary sewerage system and he has failed to comply with such notice for a period of at least sixty (60) days.

- (c) Upon application by the owner, the Clerk may, with the approval of Council, issue a credit of sewer user charges for any just cause relating to the non-use of the sanitary sewerage system for the full term of the installment period.

- (d) The Council may by resolution appoint an agent to receive and remit payment of the user charge.

Disconnection of Service

- 16. (a) The Public Sewer System may be refused, discontinued or disconnected at any time for:
 - 1. Non-payment of sewer service charge;
 - 2. Non-payment of sewer connection charge;
 - 3. Non-payment of any repair or maintenance related charge;
 - 4. Failure, in the opinion of the Commission, or its authorized agent, of the plumbing, pipes, fittings, vents, fixtures or other related devices on the premises necessary to comply with the requirements of this By-law or any part of the sewer system of such premises is in any way unsuitable, dirty, unsanitary or in an inaccessible place;
 - 5. Violation of any provision of this by-law.

(b) Where the Public Sewer System has been discontinued or disconnected under section 16 (a) (i) and/or (ii) and/or (iii), the owner shall pay a disconnection fee, together with any amount in arrears and furthermore, a reconnection fee shall be paid before such supply will be restored.

(c) Where the Public Sewer System has been discontinued or disconnected under section 16 (a) (iv) and/or (v), the owner shall correct the violation or failure. The cost of disconnecting or discontinuing the service, together with a reconnection fee shall be paid before such service will be restored.

(d) Disconnection and reconnection fee rates shall be established by Council resolution.

(e) Where there is non-payment of a sewer account, after ten (10) working days notice in writing has been given to a property owner who is in arrears, which notice has been given by registered mail or personally served upon the owner or his representative, the Village may pursue any or all of the following procedures either concurrently or consecutively:

- i) commence litigation in the name of the Village of Harvey for an Action of Debt;
- ii) in any Court of competent jurisdiction to enforce the special lien or charge created by the *Municipalities Act* on land to or with respect to which sewerage services are supplied;
- iii) disconnect the user service provided to such owner and discontinue such service until such time as the account, including arrears and costs of disconnecting and reconnecting the service has been paid in full by the owner;
- iv) undertake any other action against the owner which may be available to the Village under the Laws of the Province of New Brunswick.

GENERAL

- 17. No person shall be entitled to damages or to a refund of any payment for stoppage or interruption of the sanitary sewerage system or any lateral caused by accident, frost or for the purpose of making additions or repairs thereto or for any purpose which in the opinion of Council is necessary or desirable, nor for failure of an owner to install a back-water valve or similar apparatus as required by this By-Law.
- 18. Council or any person authorized by it may at any reasonable hour enter upon any land for the purpose of executing duties respecting installation, maintenance, repair, or replacement of the sanitary sewerage system or for the purpose of inspecting the lateral or the building drain or to make such other inspections as are necessary to ensure compliance with this By-Law.
- 19. Nothing in this By-Law obligates the Village to extend the sanitary sewerage system service area to the Village as a whole or to any particular part of the Village.

SEPTIC TANKS

- 20. (1) Where a building is situate on land not in sanitary sewerage system service area the owner of the property shall install and connect the building with a septic tank and such apparatus and appliances as may be required to insure the proper sanitary conditions of the building and premises and shall maintain the same in compliance with the applicable provisions of the Health Act and Regulations thereunder.
- (2) Where an owner fails to comply with subsection (1) the Council, if it is deemed necessary or desirable to the maintenance of healthful and sanitary conditions in the Village, may by resolution instruct the Clerk to serve a notice upon such owner requiring him to comply with subsection (1).
- (3) Such notice shall specify what is to be done by the owner and the time in which it is to be done, provided that the owner shall be given more than fifteen (15) days to comply with subsection (1).

(4) Any notice given pursuant to subsection (2) may be served in the manner provided in section 11.

21. Section 20 hereof notwithstanding, where a sewage disposal system other than a septic tank is permitted pursuant to the provisions of the Health Act and Regulations thereunder, an owner of land not served by the sanitary sewerage system may install or construct such sewage disposal system provided he has obtained all necessary consents, approvals, or permits required by the same Act and Regulations and requests and obtains the written permission of Council or its authorized agent.

PENALTIES

22. A person who has been served with a notice given pursuant to this By-Law and who fails to comply with any provision of this By-Law is guilty of an offense and liable, upon conviction, to a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00).

ENFORCEMENT

23. This By-Law shall be enforced by the By-Law Enforcement Officer or an authorized agent appointed by Council.

24. By-Laws Repealed

By-Law No. 80-10 enacted on October 9, 1996, and all amendments thereto are hereby repealed.

25. This By-Law shall be deemed to have come into force on September 16th, 2014.

Winston Gamblin

Mayor

Amber Binney

Clerk

Read First time this August 15th, 2014.

Read Second time this August 15th, 2014.

Read Third time and enacted this September 16th, 2014.

VILLAGE OF HARVEY
POLICY ON SEWER DISCONNECTION
ENACTED ON September 16th, 2014

Criteria to Disconnect

- 1. SEWER ARREARS, including non-payment of sewer service charge and/or non-payment of sewer connection charge and/or non-payment of any repair for maintenance related charge.**

When Council has determined an account meets the following criteria, it shall be scheduled for disconnection providing:

1. Sewer account balance for the prior year(s) is greater than \$300.00 or has been outstanding for a period greater than one year.
2. No payment or suitable payment arrangements have been approved by Council.
3. Sewer fees for the current year are not to be included in the balance.
4. Costs for disconnection and re-connection are not to be included in the balance.

PROCEDURE:

Time Table (Disconnection)

After January 1st of each year a review of all sewer account balances shall be conducted to identify the balances for prior year(s). If any account is identified as having sewerage arrears being greater than \$300.00, the owner shall

- a) be sent a notice regarding all balances outstanding, requesting that full payment or suitable payment arrangements be made with the Village immediately with a warning that the property may be scheduled for disconnection should the account remain in arrears for a period greater than one year
- OR

b) be scheduled for disconnection if the balance has been outstanding for a period greater than one year.

All disconnections shall be scheduled between May and October.

1. Notice shall be forwarded to the property owner (hand delivered or sent registered mail) advising of required payment within (thirty) 30 days.
2. A Final Notice will be forwarded to the property owner (hand delivered or sent registered mail) advising of the date sewer will be disconnected.
3. After disconnections, the disconnection fee will be placed on the sewer account and the current year's sewer charge will be stopped.
4. The account will continue to be charged interest on the arrears as well as on the disconnection fee.

Time Table (Reconnection)

Upon payment of cash, money order, or certified cheque for the full amount of arrears, disconnection and reconnection fees and other associated costs, the Village will arrange to re-connect the sewer lateral within three (3) working days. All restoration will be completed by the Village.

- 2. FAILURE of the plumbing, pipes, fittings, vents, fixtures or other related devices on the premises necessary to comply with the requirements of this By-law, or any part of the sewer system of such premises is in any way unsuitable, in an inaccessible place OR IN VIOLATION of any provision of this by-law as determined by Council or its authorized agent, may order immediate remediation or disconnection.**

Time Table (Disconnection)

All disconnections shall be scheduled between May and October.

1. Notice shall be forwarded to the property owner (hand delivered or sent registered mail) advising of the violation or failure and requesting that the matter be corrected within sixty (60) days. Required evidence of correction will be detailed in the notice.
2. If the matter is not resolved, a Final Notice will be forwarded to the property owner (hand delivered or sent registered mail) advising of the date sewer will be disconnected.

3. After disconnections, the disconnection fee will be placed on the sewer account and the current year's sewer charge will be stopped.

Time Table (Reconnection)

Upon sufficient proof of correction and payment of cash, money order, or certified cheque for the full amount of the disconnection and reconnection fee the Village will arrange to re-connect the sewer lateral within three (3) working days. All restoration will be completed by the Village.