

MUNICIPALITY OF THE DISTRICT OF SHELBURNE

SEWER BY-LAW S-300

BE IT RESOLVED that the Council of the Municipality of the District of Shelburne, under the authority of the *Municipal Government Act*, wishes to adopt the following by-law:

1. SHORT TITLE

1.1 This by-law may be cited as By-Law S-300, the “Sewer By-Law”.

2. DEFINITIONS

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

(a) “building drain” means that part of the lowest horizontal piping within a building that conducts water, wastewater or storm water from a building;

(b) “building service connection” means a piping system that conveys sewage and liquid waste or storm water from a property to a municipal sewer;

(c) “clear-water waste” means waste water with impurity levels that will not be harmful to health and may include cooling water and condensate drainage from refrigeration and air conditioning equipment and cooled condensate from steam heating systems, but does not include storm water.;

(d) “Council” means the duly elected officials of the Municipality;

(e) “Engineer” means the engineer of the Municipality and includes a person acting under the supervision and direction of the engineer;

(f) “industrial waste” means any unwanted or residual material produced or eliminated from an industrial operation, not including hazardous or biodegradable wastes. These wastes may be solid, semi-solid, liquid or gaseous. Industrial operations generally include activities pertaining to industry and manufacturing as distinguished from residential dwellings or commercial developments.

(g) “Municipality” means the Municipality of the District of Shelburne;

(h) “natural outlet” means any outlet into a ravine, gulch, watercourse or the bed thereof, whether the same usually contains water or not, or any stream, river, creek, ditch, lake or other body of surface or groundwater;

(i) “polluted”, when used in reference to water, means:

(i) altered physical, chemical, biological or aesthetic properties, including changes in temperature, taste or odour, or

(ii) water to or from which any liquid, solid, radioactive, gaseous or other substance has been added or removed

which renders or may render the water

(iii) harmful to the health, safety or welfare of the public,

(iv) harmful to animals, birds or aquatic life, or

(v) less useful for domestic, municipal, industrial, agricultural, recreational or other lawful uses;

(j) “public sewer” means a sewer or drainage system constructed, purchased or otherwise acquired by the Municipality and maintained as a public sewer or drain, and includes the trunk main, all laterals to the street/property line and any sewage treatment plant connected thereto;

(k) “sanitary sewage” means water-carried wastes from the sanitary conveniences of residences, commercial buildings or premises, institutions and industrial establishments, but does not include storm sewage and clear-water waste;

(l) “sanitary sewer” means a sewer that conducts sanitary sewage;

(m) “sewer” and “sewage works” means all sewers, sewer systems, sewage pumping stations, sewage treatment plants and other works for the collection, acceptance, transmission, treatment and disposal of sewage or for any one or more of them.;

(n) “slug” means any discharge of sewage which in concentration of any given constituent or in quantity of flow exceeds the average twenty-four hour concentration or flow and which discharge continues for a period in excess of fifteen minutes;

(o) “storm sewer” means a sewer that conveys storm water;

(p) “storm water” means water that is discharged from a surface as a result of rainfall or snowfall;

(q) “suspended solids” means insoluble matter that can be removed by filtration through a standard glass fibre filter as provided by standard methods.

3. PETITION & COUNCIL

3.1 If the majority of the registered property owners in a designated area of the Municipality petition Council for the construction of a public sewer, Council may order the construction of same.

3.2 Every petition for the construction of a public sewer shall be in the form provided in Appendix “A” of this by-law, and shall clearly state the locality in which the new sewer is required and the points between which the petitioners are desirous of having the sewer constructed.

4. BUILDING SERVICE AND CONNECTIONS

4.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or accessory thereof without first obtaining a permit from the Engineer.

4.2 Any person requesting a permit, after the original sewer line has been installed, for connecting a building service connection with the public sewer shall pay a fee of one hundred dollars (\$100.00).

4.3 There shall be two (2) classes of building service connection permits:

(a) for residential and commercial service; and

(b) for service to establishments producing industrial wastes.

4.4.1 A person seeking a building service connection permit must submit an application in the required form to the Engineer.

4.4.2 An application for a building service connection permit for residential or commercial service shall be in the form set out in Appendix “B” to this by-law.

4.4.3 An application for a building service connection permit for service to establishments producing industrial wastes shall be in the form set out in Appendix “C” to this by-law.

4.5.1 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the Owner.

4.5.2 The Owner shall indemnify the Municipality from any loss or damage that may directly or indirectly occur from the installation of the building sewer.

4.6.1 Subject to subsection 4.5.2, each building serviced by a public sewer must be connected thereto by a separate and independent building service connection.

4.6.2 Where

(a) one building stands to the rear of another building on an internal lot, and

(b) no separate or independent building service connection is available or can be constructed through an adjoining alley, courtyard or driveway to connect the rear building to the public sewer

the building service connection connecting the front building to the public sewer may, subject to the approval of the Engineer, be extended to the rear building and the whole considered as one building service connection.

4.6.3 Subject to subsection 4.6.4, newly constructed buildings to be serviced by a public sewer must be connected thereto by a newly constructed building service connection.

4.6.4 A previously constructed building service connection may be used to connect the newly constructed building to a public sewer if the Engineer determines that the building service connection meets all applicable requirements imposed by this by-law.

4.7.1 Whenever possible, a building service connection shall be brought to a building at an elevation below its basement floor.

4.7.2 In buildings in which the building drain is too low to permit sewage to flow via gravity through the building service connection to the public sewer, the building drain shall be lifted by a means approved by the Engineer.

4.7.3 All installation and maintenance costs associated with the lifting of a building drain shall be the responsibility of the Owner of the property in question.

4.8.1 The person who originally made application for the building service connection permit shall notify the Engineer when the building sewer is ready for inspection and connection to the public sewer.

4.8.2 The process of connecting a building service connection to a public sewer shall be performed under the supervision of the Engineer.

4.9.1 All excavations for the construction and installation of a building connection shall be adequately guarded so as to protect the public from hazard.

4.9.2 Streets, sidewalks, walkways and other public property disturbed in the course of constructing a building service connection and connecting it to a public sewer shall be restored to the satisfaction of the Engineer.

4.10 Specifications for labour and materials under which the public sewer was constructed are to be considered as part of the specifications for any such building service connection.

4.11 All building services connections shall comply with all applicable provisions of the Nova Scotia Building Code Regulations.

5. USE OF THE PUBLIC SEWERS

5.1 No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, unpolluted cooling water or unpolluted industrial process waters to any sanitary sewer.

5.2 No person shall discharge or cause to be discharged any sanitary sewage to any storm sewer.

5.3 Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water and industrial process waters shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Engineer.

5.4 Sanitary sewage shall be discharged to such sewers as are specifically designated as sanitary sewers.

5.5 No user of a public sewer shall discharge or cause to be discharged into the sewer:

- (a) sewage at a temperature in excess of sixty (60) degrees Celsius;

(b)sewage having a pH less than 5.5 or greater than 9.5 or which, due to its nature or content, becomes less than 5.5 or greater than 9.5 during transmission through the sewer;

(c) sewage or wastewater which causes or may cause or results or may result in effluent from municipal wastewater facilities to be in violation of any Provincial or Federal Acts or Regulations.

(d) sewage which exerts or causes, or which may exert or cause:

(i)wastewater containing more than three hundred fifty (350) milligrams per litre of suspended solids;

(ii)wastewater which the biological oxygen demand exceeds three hundred (300) milligrams per litre;

(iii)wastewater which the chemical oxygen demand exceeds one thousand (1,000) milligrams per litre;

(iv) excessive discolouration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(e) solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

5.6 If any sewage, storm water or clear-water wastes containing or possessing any of the characteristics enumerated in section 5.5 of this by-law or subsection 333(1) of the Municipal Government Act is proposed to be discharged to a public sewer, the Municipality may:

(a) refuse to allow it to be discharged to the public sewer; or

(b) enter into an agreement with the proponent and permit it to be discharged to the public sewer subject to any or all of the following conditions:

(i) that the proponent pre-treat the sewage, storm water or clear-water waste by means to a level specified in the agreement;

(ii) that the proponent install a flow quantity control equalizing facility to control quantities and rates of discharge; and

- (iii) that the proponent compensate the Municipality for any added costs it may incur by handling and treating the sewage, storm water or clear-water waste.

5.7 Any method of pre-treatment or equalization to be included in an agreement under section 5.6 must be reviewed and approved by the Engineer before the agreement is finalized.

6. FINANCES

6.1 An official appointed by the Chief Administrative Officer shall keep an account of the cost incurred by the Municipality in installing and constructing a public sewer.

6.2 Once the installation and construction of the public sewer is complete, the official shall file a certificate with the Municipal Clerk which sets out:

- (a) the total cost incurred by the Municipality in installing and constructing the sewer;
- (b) the length of the sewer;
- (c) a list of all of the properties fronting on the street(s) or highway(s) running over the sewer;
- (d) the registered owner of every such property; and
- (e) the lineal frontage of every such property on the street(s) or highway(s) running over the sewer.

6.3 Every registered owner of property which

- (a) is serviced by a public sewer, or
- (b) fronts on a street or highway with a public sewer line that passes along any portion of the frontage of the property

shall pay an annual sewer service charge to the Municipality.

6.4 The amount of the Sewer Service Charge payable each year is determined by applying the unit value for the applicable Type of Consumer, as set out in Schedule "A" to this by-law.

6.5 The Finance Department shall keep an account of:

- (a) the names of the registered owners of the property liable for a sewer service charge;
- (b) the amount of sewer service charges due with respect to each such property;
- (c) the amount of sewer service charge previously paid with respect to each such property.

6.6.1 For the year in which a public sewer is installed and constructed, the sewer service charge(s) payable by the registered owner of the property to be serviced by the sewer are due from the date on which the sewer was ready for connection to the property.

6.6.2 For all other years, sewer service charges are due on the date for payment of general rates.

6.7 Sewer service charges imposed under this by-law shall constitute a first lien upon the real property and may be collected in the same manner as other taxes.

7. POWERS AND AUTHORITY OF ENGINEER

7.1 In order to administer and ensure compliance with this by-law, the Engineer may, in accordance with section 503(3) of the Municipal Government Act, enter upon or into private property for the purposes of inspection, maintenance and enforcement.

8. PENALTIES

8.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), or in default of payment, to a term of imprisonment not to exceed ninety (90) days.

9. FEDERAL AND PROVINCIAL LEGISLATION PREVAILS

9.1 If this by-law conflicts with a statute or regulation enacted by the federal or provincial government, the statute or regulation prevails.

10. REPEAL

10.1 All by-laws relating to sewers previously passed by Council are hereby repealed.

Date – First Reading: January 28, 2013

Date – Notice in paper to Public: February 4, 2013

Date – Second Reading: February 25, 2013

*Date – ad re: Passage of By-Law:

Adopted by the Council of the Municipality of the District of Shelburne on
the 25th day of February, 2013.

Clerk (Sign) _____

Clerk (Print) Penny Smith Date: March 11, 2013

Date – mailed to SNS&MR a certified copy of By-Law: March 11, 2013

*Effective Date of By-Law unless otherwise specified in the text of the By-Law.

THIS IS TO CERTIFY that the foregoing is a true copy of a By-Law passed at a duly convened meeting of the Council of the Municipality of the District of Shelburne, held the 25th day of February, 2013.

Given under the hand of the Clerk and under the seal of the Municipality of the District of Shelburne this 11th day of March, 2013.

Ms. Penny Smith
Municipal Clerk

APPENDIX "A"

**PETITION TO THE COUNCIL OF
THE MUNICIPALITY OF THE DISTRICT OF SHELBURNE**

WE, THE UNDERSIGNED, being persons owning real property in the Municipality of the District of Shelburne (the "Municipality") and fronting on the public street or highway or portion thereof described below, hereby petition the Council of the Municipality to construct a public sewer within the said area:

DESCRIPTION:

SIGNATURES:

(Please print your name and address under your signature.)

APPENDIX “B”

RESIDENTIAL OR COMMERCIAL BUILDING SERVICE CONNECTION APPLICATION

To the Municipality of the District of Shelburne (the “Municipality”):

Names of the Property Owner(s): _____

The undersigned, being (the owner(s) or the agent(s) of the owner(s)) of the property located at _____ hereby request(s) a permit to install and connect a building service connection to serve the (residence, commercial building, other _____) at said location.

1. The following fixtures will be connected to the proposed building service connection:

<u>Number</u>	<u>Fixture</u>	<u>Number</u>	<u>Fixture</u>
	Kitchen Sinks		Water Closets
	Lavatories		Bath Tubs
	Laundry Tubs		Showers
	Urinals		Other

Specify any other fixtures not listed above:

2. The maximum number of persons who will use the above fixtures is: _____

3. The name and address of the person or firm who will perform the proposed work is:

4. Plans and specifications for the proposed building service connection are attached hereunto as Exhibit “A”.

In consideration of the granting of this permit, the undersigned agrees:

(a) to furnish any additional information relating to the installation or use of the residential or commercial building service connection for which this permit is sought, as may be requested by the Municipality;

(b) to accept and abide by all provisions of Sewer By-Law S-300 of the Municipality as well as all other pertinent by-laws and other enactments that may be adopted by Council in the future;

(c) to maintain their portion of the building service connection at no expense to the Municipality; and

(d) to notify the Municipality when the building service connection is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

(e) to notify the Municipality immediately in the event of any accident, negligence or other occurrence that occasions discharge to a public sewer of any wastes or processing waters not covered by this permit.

Date

Applicant's Signature

Applicant's Address

Application approved and permit issued:

Date

Engineer's Signature

**It is the sole responsibility of the property owner
to ensure adherence to all other
federal or provincial regulations or legislation.**

APPENDIX "C"

INDUSTRIAL BUILDING SERVICE CONNECTION APPLICATION

To the Municipality of the District of Shelburne (the "Municipality")

The undersigned being the

_____ (owner, tenant, etc.)

of the property located at _____ (address)

does hereby request a permit to _____ (install, use, etc.)

an industrial building service connection serving:

_____ (Name of Company)

which company is engaged in _____ at the said location.

1. A plan of the property which accurately shows all existing sewers and drains therein is attached hereto as Exhibit "A".
2. Plans and specifications which detail the entirety of the work proposed to be performed under this permit is attached hereto as Exhibit "B".
3. A complete schedule of all processing waters and industrial wastes produced or expected to be produced at the said property, including a description of the character of each water and/or waste, the daily volume and maximum rates of discharge and representative analysis, is attached hereto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is:

In consideration of the granting of this permit, the undersigned agrees:

- (a) to furnish any additional information relating to the installation or use of the industrial building service connection for which this permit is sought, as may be requested by the Municipality;
- (b) to accept and abide by all provisions of By-Law S-300 of the Municipality as well as all other pertinent by-laws and enactments that may be adopted by Council in the future;
- (c) to maintain their portion of the building service connection at no expense to the Municipality;
- (d) to notify the Municipality when the building service connection is ready for inspection and connection to the public sewer, but before any portion of the work is covered; and
- (e) to notify the Municipality immediately in the event of any accident, negligence or other occurrence that occasions discharge to a public sewer of any wastes or processing waters not covered by this permit.

Date

Applicant's Signature

Applicant's Address

Application approved and permit issued:

Date

Engineer's Signature

**It is the sole responsibility of the property owner
to ensure adherence to all other
federal or provincial regulations or legislation.**

SCHEDULE “A”

**SCHEDULE OF SEWER SERVICE CHARGES, SANITARY SEWAGE SYSTEM
MUNICIPALITY OF THE DISTRICT OF SHELBURNE**

<u>TYPE OF CONSUMER</u>	<u>UNIT VALUE</u>
Single Family Dwelling	1.0
Mobile Home	1.0
for private swimming pool add	1.0
for each Doctor or Dentist office in private home add	1.0
for each beauty or barber shop in private home add	0.75
Individual Apartment	1.0
Senior Citizens Home, per unit	0.75
Rooming House, Boarding House, Convent, Dormitory	
up to five beds	1.0
each additional bed	0.2
Hospitals, Homes for Special Care and Homes with Medical Care Facilities	
without laundry facilities; per bed	0.5
with laundry facilities; per bed	0.75
Schools per classroom without cafeteria or gym	1.0
with cafeteria or gym	1.5
with both cafeteria and gym	2.0
Doctor, Dentist Office for each doctor or dentist	1.0
Tourist Home with one bathroom	1.2
for each additional bathroom	0.3
Hotels, Motels and Tourist Cottages	
with housekeeping facilities; each room or unit	0.5
without housekeeping facilities; each room or unit	0.3
Restaurants, etc., are additional to above listings and are rated in accordance with this schedule	
Tourist Trailer Park	
with hook-up facilities; per unit space	0.75
without hook-up facilities; per unit space	0.3
Barber Shops and places of business including industrial premises	
first washroom facility	1.0
each additional washroom facility	0.5
Cafeterias, etc. are in addition to above listing and	

are rated in accordance with this schedule	
Churches, Church Halls, per washroom facility	0.3
Buildings owned by fraternal organizations	0.3
Beauty Shop	1.0
Youth Centre Facility	
living facilities per unit	1.0
per bed capacity	1.0
Fire Halls and Fire Stations with facilities	0.5
Fire Halls and Fire Stations without facilities	0.3
Laundromat	1.0
for each machine	2.0
Service Station	2.0
for each car wash bay connected to sanitary sewer add	2.0
Unlicensed Restaurants, Snack Bars and Cafeterias	1.0
for each ten seats add	0.25
Premises licensed by Nova Scotia Liquor Commission as a Restaurant, Lounge, Dining Room or Club	1.0
for each five seats add	0.25
Drive-in Restaurant or Theatre with canteen	1.0
for first washroom facility	1.0
for each additional washroom facility add	0.5
Vacant Land	
any portion serviced by sanitary sewage system	0.5
Stores, banks, clubs, recreational facilities, barber shops and places of business including industrial premises which have no sanitary facilities	0.5