

**VILLAGE OF SUSSEX CORNER
BY-LAW # 18A**

A BY-LAW RESPECTING THE SEWER SYSTEM

BE IT ENACTED by the Council of the Village of Sussex Corner as follows:

DEFINITIONS

1. In this by-law:

“backwater valve” means a valve installed at the end of a drain or outlet pipe to prevent the backward flow of water or waste water. A backwater valve is used on sewer outlets into streams to prevent backward flow during times of flood or high tide and may also be called a “tide gate”;

“biochemical oxygen demand (BOD)” means the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specific temperature and under specified conditions;

“building” includes a house, mobile home or other structure used for human occupation, employment, recreation or other like purposes;

“building drain” means the part of the lowest horizontal piping of a drainage system that receives the discharge from soil waste and other drainage pipes inside the walls of the building that conveys it to the building sewer (house sewer). The latter begins six feet outside the inner face of the building wall;

“building sewer” in plumbing means the extension from the building drain to the public sewer or other place of disposal, also called the house connection;

“lateral” (1) pertaining to the side; (2) a ditch, pipe or other conduit entering or leaving a water main from the side; (3) a secondary conduit diverting water from a main conduit for delivery to distributaries; (4) a sewer which discharges into a branch or other sewer and has no common tributary to it;

“clerk” means the Village Clerk of the Village of Sussex Corner;

“council” means the Village Council of the Village of Sussex Corner;

“engineer” means the professional engineer, firm, association, corporation or group from time to time designated by the Council to oversee the construction, design, repair or maintenance of the sewer system;

“inspector” means the inspector from time to time designated and appointed by the Council to oversee the operation of the sewer system;

“natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water;

“natural watercourse” shall mean a surface or underground watercourse created by natural agencies and conditions;

“owner” means the person in whose name a property is assessed under the Assessment Act and includes executors, administrators and assigns of such person and should there be more than one owner it shall mean each of such owners jointly and severally;

“parts per million (ppm)” shall mean the number of weigh or volume units of a minor constituent present with each million units of the major constituent of a solution or mixture;

“person” shall include any individual, firm, corporation, association, institution, society or group;

“pH” shall mean the negative logarithm of the hydrogen ion concentration;

“private sewer system” means any private system for sewerage disposal serving one lot;

“sanitary sewer” means a sewer which carries sewerage, into which admission of a storm, surface and ground water is specifically prohibited;

“sewer system” means a system of piping, with appurtenances, for collecting and conveying waste water from source to discharge and includes necessary plumbing, plants, force mains, siphons, other like works, lands, treatment works and sewerage disposal plants;

“storm sewer” shall mean a pipe or conduit for carrying storm water, surface water and excess ground water;

“suspended solids (SS)” shall mean solids that either float on the surface of, or are suspended in water, waste water or other liquids, and which are largely removable by laboratory filtering;

“Village” means the Village of Sussex Corner and shall include its staff, employees, servants, officers and agents;

“treasurer” means the treasurer of the Village of Sussex Corner;

“user-charge” shall mean a rate or charge for sewer service based upon a percentage of the water service as shown on the user’s water bill.

BUILDING SEWERS OR LATERALS

2. The owner of a building adjacent to a street or right-of-way where a sanitary sewer is located shall install suitable toilet facilities in the building and cause such facilities to be connected directly to the sanitary sewer in accordance with the provision of this by-law.
3. If it is established by the owner, the Village and the New Brunswick Department of Health that such a building does not require toilet facilities, the owner of such building may be exempted from the requirements of Section 2.
4. The Village may adopt a schedule setting out the time during which an owner shall be required to connect a lateral from a building to a sanitary sewer.
5. If the owner fails to comply with Section 2 or Section 4, the owner shall pay a charge equal to the sewer user-charge that would be payable under this by-law had the lateral been connected.
6. (1) Before connecting a lateral to the sanitary sewer the owner shall submit to the clerk an application on a form approved by council to the clerk’s office.
 - (2) The application shall be accompanied by a plan showing the boundaries of the property, the location of all buildings and all services emanating from the building to the property line, including, but not limited to, the proposed lateral, storm connections, underground wiring and water line.
 - (3) The application fee may be established by council.
 - (4) Upon receipt of an application the Village shall investigate and if a sanitary sewer is adjacent to the applicant’s property and it is considered by the Village that it is feasible to connect the lateral to the sanitary sewer, the application shall be granted upon such terms and conditions as the Village deems appropriate.
7. No person shall install a lateral or uncover, make any connections with openings into, use, alter or disturb a sanitary sewer without authority in writing from the Village.

8. The owner shall be responsible for installing the lateral but the size, shape, alignment, materials of construction and the methods to be used in the excavating, placing of pipe, jointing, testing and backfilling shall be subject to the supervision and approval of the Village.
9. The owner shall not cover a newly installed lateral until it is inspected and approved by the Village.
10. Should a lateral be installed without inspection and approval, the Village may open it for inspection and the cost for same constitutes the same lien on the owner's land and shall be recovered from the owner in the same manner as user-charges payable hereunder.
11. The Village is not obligated to permit connection to the Village Sewer System where the distance from the nearest existing sewer line to the customer's property line exceeds thirty meters (100 feet).
12. Where possible a lateral shall be brought to a building at an elevation below the basement floor, and where a building drain is too low to permit gravity flow to the sewer system, sanitary sewerage carried by such building drain shall be lifted by an approved means and discharged into the sanitary sewer.

BACKWATER VALVES

13. (1) Where an owner connects a lateral to the sanitary sewer and provides an opening in the lateral that will be below the level of the street above the sanitary sewer, such owner shall install a backwater valve between the connection of the lateral and the sanitary sewer and such outlets that are below the street level.
- (2) Where an existing lateral has outlets which are below the level of the street above the sanitary sewer to which it connects, the owner shall, at his expense, install a backwater valve in the building drain.
- (3) A person who fails to install a backwater valve as required by this section within the time prescribed by the Village for such installation is guilty of an offence.
- (4) The Village shall not be liable for damages to building and the owners caused because a backwater valve was not installed or functioning properly.

GENERAL

14. The portion of the sewer lateral from the building to the property line shall be the property of the owner and the remaining portion thereof to the sanitary sewer shall be the property of the Village.

15. Existing laterals and private sewer systems found on examination and tests by the Village to be of an acceptable standard may be connected to the sewer system; those found unacceptable shall be replaced in accordance with the provisions of this by-law.
16. No more than one building shall be serviced from each lateral without written permission from the Village.
17. (1) The owner of a building shall unplug, repair and maintain in good working order the lateral which services his building, including that portion of the lateral between the property line and the sanitary sewer.
 - (2) The owner of a building shall make arrangements for and pay all costs associated with maintain the sewer lateral in good working order including the repair or resurfacing of any street or sidewalk and the owner shall indemnify the Village from any loss or damage that may be occasioned by such repair, unplugging or maintenance where such has been determined by the Village to be his responsibility.
 - (3) Costs incurred by the Village in carrying out the works prescribed in this section shall constitute a lien on the owner's land and shall be recoverable from the owner in the same manner as user-charges.
 - (4) Storm water and ground water shall be discharged to storm sewers or to natural watercourses.
18. Any permit granted under this by-law may be suspended or revoked by the Village if, in the opinion of the Village, the lateral or other facility authorized by such permit is not being installed or maintained in compliance with the provision of the by-law or the conditions under which such permission was granted.
19. An authorized representative of the Village may at any reasonable hour enter any premises in the execution of his duties respecting the sewer system and such duties shall include inspection, measurements, maintenance, repairs, sampling and testing.
20. The Village may require the owner of land use for industrial or commercial purposes that is connected to the sewer system to provide interceptors for grease, soil or sand of a type and capacity required to ensure the levels of contaminants do not exceed the levels as set down by the Village.
21. No connections to the Village Sewer System shall be allowed after November 30 or before May 1 of each calendar year.

PRIVATE SEWER SYSTEM

22. (1) Except as hereinafter provided no person shall construct or maintain in the Village or within any area under the jurisdiction of the Village, any privy, privy vault, septic tank, cesspool or any other facility intended or used for the disposal of sewerage.
- (2) The Village may grant upon such conditions as it deems necessary or advisable a permit for the installation and maintenance of a private sewer system to any applicant whose property is, in the opinion of the Village, not so located as to be readily to the sewer system, provided the applicant has met all requirements of all applicable laws, governmental regulations and orders of the Province of New Brunswick.
- (3) Upon completion of the building lateral connection and approval thereof, the owner of a property formerly served by septic tank, cesspool, privy, or private sewage disposal system on the property shall cause such tank, cesspool, privy or private sewage disposal system to be abandoned and filled with suitable material.

PROHIBITIONS

23. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial water into the sanitary sewer.
24. (1) No person shall discharge sewerage anywhere except into the sanitary sewer system or an approved private sewer system.
- (2) If residential property, the consumer shall pay the Village the sum of Five Hundred Dollars (\$500.00) for each water or sewer connection, and if a commercial property, the sum of Seven Hundred Fifty Dollars (\$750.00) each or the actual cost to the Village, which ever the greater.
- (3) In cases where the residential or commercial property is being developed by a "Developer", the Developer shall incur the costs outlined in paragraph 24 (2) above as well as the costs of the initial connection to the Village's main line from the property.
25. No person shall damage the sewer system or any part thereof.
26. No person shall drain or deposit anything in any sanitary sewer, or in any pipe leading thereto, which would be liable to impair or obstruct any such sewer, including but not limited to the following:
 - (a) matter having a temperature in excess of 65 degrees Celsius;
 - (b) matters which contain any fat, oil or grease of more than 100 parts per million (ppm) by weight, of animal or vegetable origin or 15 parts per

million (ppm) by weight of petroleum origin or lubricants of synthetic origin;

- (c) gasoline, benzene, naphtha, fuel oil, acetone, solvents or other inflammable or explosive matter;
- (d) ashes, cinders, garbage, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, cellulose, paunch, manure or other solids of a type or quantity capable of causing an obstruction to the flow in sewers or other interference with the proper operation of the sewer system;
- (e) matter having a pH lower than 6.0 or higher than 9.5;
- (f) any liquid matter containing suspended solids exceeding 350 milligrams per litre;
- (g) matter that may cause the death of or injury to any person, or capable of causing damage or hazard to structures, equipment and personnel of the sewer lines;
- (h) hydrogen sulfide, carbon bisulphide, ammonia, trichloroethylene and other halogen substituted hydrocarbons, sulphur dioxide, formaldehyde, chlorine, bromide, pyridine, or any other matter that has or may cause an offensive odor or capable of creating a nuisance or hazard;
- (i) any matter in which the BOD exceeds 300 ppm;
- (j) animal waste such as hair, wool or fur, feathers, intestines, or stomach casings, paunch, manure or intestinal contents, hides or parts thereof, hooves, toenails, horns, bones and fleshings;
- (k) (i) matter containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or which constitutes a hazard to humans or animals, and waste considered to be toxic or poisonous shall include but not be limited to waste containing metals or chemicals such as cyanide, chromium, phenols and copper whose concentrates are more than:

Aluminum as Al	50.0 mg / l
Arsenic as As	1.0 mg / l
Barium as Ba	5.0 mg / l
Cadmium as Cd	2.0 mg / l
Chloride as Cl	1500.0 mg / l
Chromium as Cr	5.0 mg / l
Copper as Cu	5.0 mg / l
Cyanide as HCN	1.0 mg / l

Fluoride as F	10.0 mg / l
Iron as Fe	50.0 mg / l
Lead as Pb	5.0 mg / l
Mercury as Hg	0.1 mg / l
Nickel as Ni	5.0 mg / l
Phenolic Compounds	1.0 mg / l
Phosphorus as P	100.0 mg / l
Sulphate as SO ₄	1500.0 mg / l
Sulphide as S	2.0 mg / l
Tin as Sn	5.0 mg / l
Zinc as Zn	5.0 mg / l
Pesticides	0.0 mg / l
Herbicides	0.0 mg / l

(k) (ii) the Village may as it deems necessary set limits on other toxic or poisonous substances as may enter the sewer system at some time in the future and may alter the levels already established in this by-law.

27. No person shall connect a lateral servicing a manufacturing plant with a sanitary sewer unless the owner has met all special requirements prescribed by the Village.

RATES

28. The sewer system shall be operated and maintained on a user-charge basis, so as to produce an annually balanced budget as authorized by Section 189 of the *Municipalities Act*, Revised Statutes of New Brunswick 1973, Chapter M-22.

29. (1) The sewer user-charge hereinafter known as the charge, shall be established from time to time by resolution of the council.

(2) The charge may be billed in installments to accompany water service bills or form a part thereof and such charge shall be due and payable within thirty (30) days of mailing date, and interest may be charged on any overdue amount at a rate to be established from time to time by the council by resolution.

(3) The charge shall be billed to the owner of all buildings connected to the sewer system, or otherwise required to pay the charge pursuant to other provisions of this by-law, and any omission to deliver any notice shall not relieve the owner of liability to pay the charge.

(4) User units are identified on the attached Schedule “A”, which is part of this by-law.

(5) All rates and charges remaining unpaid for sixty (60) days after they become due and payable under this by-law including delinquent rates and charges from the

- date they become due and payable bear interest at the rate of 1.5% per month for part of a month until paid.
30. The charge for a specific user may be reduced in such a manner and to such extent as determined by resolution of council for special cause shown.
 31. The treasurer shall be the collector and receiver of all user-charge imposed.
 32. Service of user charge bill shall be made by mailing the same, postage prepaid, addressed to the owner of the property at his last known address.
 33. In the event the charge and interest is not paid within thirty (30) days after rendition of the bill for such service, such charge shall constitute a special lien and charge on the land in respect of which such charge shall have been imposed in priority of every claim, privilege or encumbrance or every person except the Crown, and such lien is not lost or impaired by any neglect or omission of the Village or by want of registration, but such special lien or charge shall not apply to land that is subject to a valid and subsisting lease in effect prior to December 31, 1989.
 34. If the charge and interest thereon shall remain unpaid after expiration of the thirty (30) days as referred to in Section 33, the Village may:
 - (a) sue in the name of the Village in an action for debt;
 - (b) cut off the user service provided to such owner or may discontinue such service until such time as the account including the arrears and the cost of disconnecting the service have been paid in full by the owner; and
 - (c) proceed in accordance with Section 39.

INDEMNITY AND REFUNDS

35. No person shall have any cause of action against the Village for any claim for damages of whatsoever nature or kind which may be caused at any time to any person or property arising from the construction, maintenance or operation of the sewer system, except damages caused by the deliberate act or misfeasance of the Village.
36. No person shall be entitled to a refund of any payment, for stoppage or interruption of the sewer system caused by accident, frost or for the purpose of making additions or repairs to the sewer system or for any purpose which in the opinion of the Village is necessary or desirable.

ENFORCEMENT

37. A person who violates any provision of this by-law is guilty of an offence and is liable on summary conviction to a penalty of not less than Twenty-Five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) and in default of payment thereof to imprisonment of not more than thirty (30) days.
38. Conviction of a person for a violation of a provision of this by-law does not relieve him from compliance with the by-law and a judge of the Provincial Court may, in addition to the time imposed, order him to do within a specified time any act or thing necessary for the proper observance of the by-law or to remedy the violation thereof and a person who, after the expiry of such specified time, fails to comply with the order of the judge of the Provincial Court commits an offence and upon summary conviction is liable to a fine of not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00) for each day such failure continues or to imprisonment for not more than thirty (30) days or to both.

By-law No. 18 and No. 10, the Village of Sussex Corner Sewerage Bylaw, is repealed.

First Reading November 7, 1989

Second Reading November 7, 1989

Third Reading December 5, 1989

Schedule "A"

Identifiable classed of user units suitable for distinguishable rates involving billings:

Private

1.	Single Residence	1.00
2.	Duplex (One unit per residence)	2.00
3.	Trailer (On private or leased land)	1.00
4.	Trailer in Mobile Home Park	0.75
5.	Apartments – 3 Units (One unit per apartment)	3.00
6.	Apartments – 4 Units	3.90
7.	Apartments – 6 Units	5.70
8.	Apartments – 16 Units	13.30
9.	Apartments – 20 Units	16.10

Schools and Institutions

1.	Schools (One unit per 15 students or fraction thereof)	
2.	Senior Citizens Home (One unit for every 5 beds or fraction thereof)	
3.	Hospitals (One unit for every 5 beds or fraction thereof) Personnel (One unit for every 10 employees or fraction thereof)	
4.	Clubs (Minimum of 5 units per club)	
5.	Churches	1.00
6.	Outdoor Rink	2.00
7.	Field House	2.00

Commercial Establishments

1.	Retail Store (Less than 10 employees)	1.00
	Retail Store (One unit for every 10 employees or fraction thereof)	

2.	Drug Store (Less than 10 employees) Drug Store (One unit for every 10 employees or fraction thereof)	1.00
3.	Supermarket (Less than to employees) Supermarket (One unit for every 10 employees or fraction thereof)	1.00
4.	Banks (Less than 10 employees) Banks (One unit for every 10 employees or fraction thereof)	1.00
5.	Finance (Less than 10 employees) Finance (One unit for every 10 employees or fraction thereof)	1.00
6.	Barber Shops	1.00
7.	Beauty Salon	1.00
8.	Garages	1.00
9.	Service Stations	2.00
10.	Car Wash	3.00
11.	Body Shop (With at least 1 tap)	1.00
12.	Manufacturing Plants (Less than 10 employees) Manufacturing Plants (One unit for every 10 employees (or fraction thereof)	1.00
13.	Automatic Laundry (One unit for every 2 washers)	2.00
14.	Offices (Less than 10 employees) Offices (One unit for every 10 employees or fraction thereof)	1.00
15.	Dairies	5.00
16.	Bowling Alley	2.00

Tourist Services

1.	Motels and Cabins (One unit for every 3 rooms or fraction thereof)	
2.	Restaurants:	
	a) Licensed	2.00
	b) Not Licensed	2.00
3.	Boarding Houses (One unit for every 4 boarders)	

4.	Tourist Homes (1.5 units per home)	1.50
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Miscellaneous

1.	Rectory, Manse, Presbytery	1.00
2.	Canteen	1.00
3.	Funeral Parlours	2.00
4.	Government Garage	5.00
5.	Federal Building	5.00
6.	Post Office Building	1.00
7.	Village Hall	1.00
8.	New Brunswick Telephone Company	1.00
9.	New Brunswick Electric Power Commission	1.00
10.	Bakery	2.00