

By-law No. 37-99
A By-law Respecting the Water Utility

Village of Sussex Corner
Certified Copy of Original

Date Clerk

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

Definitions

1. In this by-law
 - (a) "backflow" is the reversal of normal flow in a supply piping system;
 - (b) "backflow prevention device" means a device that prevents backflow;
 - (c) "building" includes a house, mobile home or other structure used for human occupation, employment, recreation or other like purposes;
 - (d) "CAN/SCA" mean Canadian Standards Association;
 - (e) "Clerk" means the Village Clerk of the Village of Sussex Corner
 - (f) "Consumer" means a person or persons using water supplied by the municipality;
 - (g) "Council" means the Village Council of the Village of Sussex Corner;
 - (h) "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;
 - (i) "customer's water system" means a water system owned by a person other than the Village; but which receives water from the Village's water system;
 - (j) "engineer" means the professional engineer, firm, association, corporation or group from time to time designated by the Council to oversee the construction, design, repair and maintenance of the water system;
 - (k) "inspector" means the inspector designated and appointed by the Council to oversee the operation of the water system;
 - (l) "lateral" means a secondary conduit diverting water from a main conduit for delivery to distributaries;
 - (m) "Maintenance Supervisor" means the person appointed or hired by the Village Council;
 - (n) "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;

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- (o) "person" shall include any individual, firm, corporation, association, institution, society or group;
- (p) "private water system" means the water system owned by a person other than the municipality;
- (q) "shut-off" is defined as a water shut-off valve located on a branch line at, or near, the property line and being that valve which is used to shut off the water supply to the consumer;
- (r) "treasurer" means the Treasurer for the Village of Sussex Corner;
- (s) "user-charge" shall mean a rate or charge for water service;
- (t) "Village" means the Village of Sussex Corner and shall include its staff, employees, servants, officers and agents;

- 2. The Village shall administer, supervise and control the water system.
- 3. The Council may appoint the officers and employees necessary for the efficient and continuous operation of the water system.

Building Laterals

- 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 the water system.
- 5. If the owner fails to comply with Section 4 or Section 6, the owner shall pay a charge equal to the water user charge that would be payable under this By-law had the lateral been connected.
- 6.
 - (1) Before connecting a lateral to the water system, 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 sewer line.
 - (3) The application fee may be established by Council.
 - (4) Upon receipt of an application, the Village shall investigate and if a water line is adjacent to the applicant's property and it is considered by the Village that it is feasible to connect the lateral to the water line, the application shall be granted upon such terms and conditions as the Village deems appropriate.

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7. No person shall install a lateral or uncover, make any connections with openings into use, alter or disturb a water line without authority in writing from the Village.

Date _____ Clerk _____
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 the 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 recoverable from the owner in the same manner as user charges payable hereunder.
11. The Village is not obliged to permit connection to the Village Water System where the distance from the nearest existing water line to the consumer's property line exceeds thirty meters (100 feet).
12. It shall be the responsibility of the Village to bring the water line to the property line of any consumer whose application has been approved under this By-law at the expense of the consumer.
13. The portion of the water line from the building to the property line shall be the property of the owner and the remaining portion thereof to the main water line shall be the property of the Village.
14. The Village Council reserves the right to deny or discontinue water service to a consumer or dwelling or water use system which, in its sole opinion is so constructed, maintained or operated so as to pose any threat to the regular, efficient and sanitary operation of the Village Water System.
15. No person shall make or cause to be made an extension or addition to the water system without the written authorization of the Maintenance Supervisor.
16. Water mains and water service pipes shall be placed at a sufficient depth within the ground or otherwise sufficiently secured to assure that they are protected from frost under ordinary conditions to the satisfaction of the Maintenance Supervisor. All water lines installed at six (6) feet or less to the top of the pipe and all water lines installed under roadways are to be insulated with at least two (2) inches of styrofoam suitable for underground installation.

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17. No person:
- (a) Shall make an excavation for the purpose of connecting a private water system with a water main or for taking water therefrom without the approval of the Maintenance Supervisor; and
 - (b) Shall make any opening or excavation in any street in the Village of Sussex Corner for the purpose of connecting to any water main without placing and maintaining a secure fence or barrier around such opening and adequately lighting the same during the night time. The Maintenance Supervisor may at any time order and direct the manner in which such hereinbefore mentioned fence or barrier may be placed or maintained or lighted, and it shall be the duty of any person making any such opening or excavation to carry out such order in accordance with the direction of the Maintenance Supervisor.
18. Water shall not be supplied from the water system to a private water system.
19. The owner of any premises having a private water system, shall not connect such system to the municipal water system.
20. No person shall permit the improper use or waste of water, e.g. watering lawns, washing vehicles, or other causes, during a water shortage; and the Council shall have the authority to suspend the supply of water to such person until such time as it is reasonably assured such improper usage shall cease.
21. Every water service to a premises shall have a stop and drain shut-off valve in an accessible position immediately inside the service entrance wall of the premises.
22. Not more than one unit shall be serviced from a service connection, unless a special permit is obtained from the Council.
23. Water services shall be discontinued to any property condemned by order of the Council.
24. No person shall sell or regularly supply water to a person without a permit therefore from the Council.

Connection to the Municipal System

25. The Village shall not be required to allow the installation of any service pipe or pipes at any season of the year which, in the opinion of the Council, is not suitable for the performance of the work.

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- 26. No person shall make a connection between any line containing water supplied by the Village and any other source of water supply.
- 27. No connection shall be made to the water system for the purpose of taking water therefrom except under the direction and personal supervision of the Maintenance Supervisor, or a person duly authorized in writing by him, for that purpose.
- 28. If a connection mentioned in Section 26 is made, the Village may discontinue the supply of the Village water to such customer.
- 29. No connection shall be made to any installation, equipment, or source in such a manner as may allow any contamination to pass from such installation, equipment or source into the Village's water supply system.
- 30. If a connection mentioned in Section 29 is made by any person, the Village may discontinue the supply of water to such premises.
- 31. The type of pipe to be used for the water service connection shall be of copper type "K" or Canron 3/4 inch plastic tubing. Water service pipes for the supply of water for domestic purposes shall not exceed 3/4 inch internal diameter, except where the water service pipe is required to supply more than six separate faucets or taps, or where the premises to be supplied with water, is sufficiently elevated to cause a reduction in the water pressure to render the 3/4 inch internal diameter water service pipe insufficient for domestic purposes, in which case water service pipes not exceeding 2 inches shall be installed.
- 32. All plumbing, pipes, fittings, vents, fixtures, and other devices for conveying and controlling the water supply which are used by a customer and are not the property of the municipality, shall be a quality which meets existing minimum standards in the National Plumbing Code of Canada 1995.
- 33. No person being an owner, tenant or occupant of any premises supplied with water by the municipality, shall,
 - (a) lend or sell the water,
 - (b) give water away or permit water to be taken or carried away,
 - (c) wrongly neglect or improperly waste the water,
 - (d) use the water to top up or fill lakes or ponds on his or another persons premises.

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Liability

34. The owner of the property is liable for all water rates and charges imposed by this by-law, on that property whether it is occupied by himself or his tenants, or vacant, and shall pay all those rates, rentals and charges to the Clerk at the times prescribed by this By-law.
35. The owner of a property is liable for all repairs, costs of materials including labour and any other expenses necessarily incurred to replace or install any water lateral from the shut off to the owners residence.
36. The owner of a residential property shall pay the Village the sum of Five Hundred Dollars (\$500.00) or the actual cost to the Village, whichever is greater, for each water connection.
37. The owner of a commercial property shall pay the sum of Seven Hundred Fifty Dollars (\$750.00), or the actual cost to the Village, whichever is greater, for each water connection.
38. In cases where the residential or commercial property is being developed by a "Developer", the Developer shall incur the costs outlined in paragraphs 36 and 37 above as well as the costs of the initial connection to the Village's main line from the property.

Indemnity and Refunds

39. (1) No consumer of water shall be entitled to have any portion of a payment refunded for non-use occasioned by absence, or for shutting off for violation of By-laws or for purposes of additions or repairs to his water system or that of the Village.
- (2) No person shall be entitled to a refund of any payment for stoppage or interruption of the water system caused by accident, frost or for the purpose of making additions or repairs to the water system or for any purpose which in the opinion of the Village is necessary or desirable.
- (3) The owner of a building shall make arrangements for, and pay all costs associated with, maintaining the water 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.
- (4) Costs incurred by the Village in carrying out the work 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.

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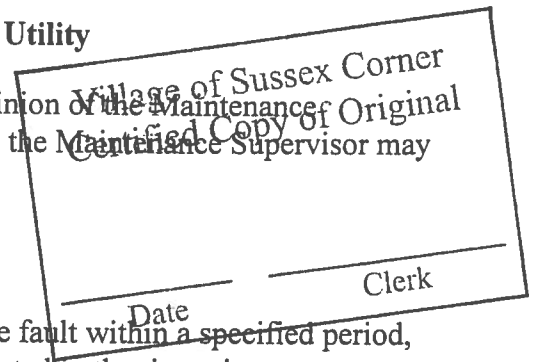
40. No person shall have any cause of action against the Village for any claim for damages of whatsoever nature or kind which may be caused at any time to any person or property arising from the construction, maintenance or operation of the water system, except damages caused by the deliberate act or misfeasance of the Village.
41. 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 provisions of the By-law or the conditions under which such permission was granted.
42. An authorized representative of the Village may, at any reasonable hour, enter any premises in the execution of his duties respecting the water system and such duties shall include inspection, measurements, maintenance, repairs, sampling and testing.
43. No unauthorized consumer may open, close or obstruct free access to fire hydrants in the Village.
44. No consumer shall tamper with, disconnect or in any way whatsoever interfere with the installation, maintenance, replacement, removal of any pipe or device used to contain or control the flow of water.
45. It shall be an offence under this By-law to violate Section 46 and such violation may result in immediate disconnection of water service.
46. No consumer shall damage, or interfere with the pipes, buildings, wells and related parts of the Village Water System, whether located inside or outside the Village.
47. No consumer shall connect to the Village Water System for the purpose of using a Geothermal Heating/Cooling System.
48. The owner of a building adjacent to a street or right-of-way where the Village Water System is located shall cause such facilities to be connected directly to the water system in accordance with the provisions of this By-law.

Backflow Preventers

49. (a) No owner or other person shall connect, cause to be connected, or allow to remain connected, any piping fixture, fitting, container or appliance, in a manner which, under any circumstances, could allow water, waste water, or any other substance to enter the Village's water system by backflow of the water or by any other means.

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- (b) If a condition is found to exist which, in the opinion of the Maintenance Supervisor, is contrary to subsection (a) hereof, the Maintenance Supervisor may either:
- (i) shut off the service or services, or
 - (ii) give notice to the customer to correct the fault within a specified period, and then shut off the service if not corrected in the time given.
- (c) Water service to a customer shall be provided only on the provision that the customer has installed at, or near, the entrance to the building on the customer's water service pipe, a backflow prevention device approved by the Village.
- (d) No bypass piping or other device capable of reducing the effectiveness of a backflow preventer shall be installed in a water supply system.
- (e) Where a backflow preventer device, as per Reg. 84-157 under the Plumbing Installation and Inspection Act, is required by the Maintenance Supervisor, that device shall be tested upon installation, and thereafter annually, or more often if required by the Maintenance Supervisor.
- (f) Backflow preventers shall be selected, installed, maintained and field tested in conformance with CSA B64.10, "Backflow Prevention Devices - Selection, Installation, Maintenance and Field Testing".
- (g) The Maintenance Supervisor may permit the use of a water service for construction purposes for a limited time, provided that a backflow prevention device is installed on the water service line to prevent backflow into the municipal water system.
- (h) The Maintenance Supervisor may maintain a master list of those individuals in possession of valid backflow prevention device license and such master list shall be available to the public during regular business hours.
- (i) Should a test show that a backflow prevention device is not in good working condition, the Maintenance Supervisor shall give notice to the customer to make repairs or replace the device within a specified period, and if the customer fails to comply with such notice, the Maintenance Supervisor shall shut off the service or services.
- (j) The cost to install, maintain and field test a backflow preventer device shall be borne by the Village.



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Rates

50. The water 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.
51. (1) The water user charge hereinafter known as the charge, shall be established from time to time by Resolution of Council.
- (2) The charge may be billed in installments to accompany sewer service bills which form a part thereof and such charge shall be due and payable within thirty (30) days of the billing date, and interest may be charged on any overdue amount at a rate to be established from time to time by a Resolution of Council.
- (3) The charge shall be billed to the owner of all buildings connected to the water system, or otherwise required to pay the charge pursuant to the 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 or part of a month, until paid.
52. 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.
53. The Treasurer shall be the collector and receiver of all user charges imposed.
54. The user charge bill shall be mailed, postage prepaid, addressed to the owner of the property at his last known address.
55. In the event the charge and interest is not paid within sixty (60) 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 on 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 and charge shall not apply to land that is subject to a valid and subsisting lease in effect prior to December 31, 1989.

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56. If the charge and interest thereon shall remain unpaid after expiration of the sixty (60) days as referred to in Section 56, 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 arrears and the cost of disconnecting the service have been paid in full by the owner;
 - (c) Where a water supply is discontinued under subsection 56 (b), the charge for reconnecting the water supply shall be \$50.00, payable in advance; and
 - (d) proceed in accordance with Section 57.

Date

Clerk

Enforcement

57. A person who violates any provision of the 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 for not more than thirty (30) days.
58. 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 fine 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 on 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.
59. The Maintenance Supervisor,
- (a) subject to the direction of Council, shall supervise the construction and maintenance of the water system,
 - (b) shall maintain all plans of the water system, showing the storage facilities and the land of the municipality surrounding it, the water mains and the size thereof in each street, all junctions and manholes, valves and hydrants, all additions and alterations made to the system from time to time, and all other information which Council deems necessary, and
 - (c) shall keep or cause to be kept a record of all work done in connection with the water system, showing the cost of labour and material for each job, the depth of the pipe, the location of the shut-offs and any other details of each job required by Council for water service connections.

**VILLAGE OF SUSSEX CORNER
BYLAW # 123 - 13**

**A BYLAW TO AMEND THE VILLAGE OF SUSSEX CORNER
BYLAW # 37-99, A BYLAW RESPECTING THE WATER UTILITY**

The Village of Sussex Corner, by the authority of the Municipalities Act of the Province of New Brunswick, hereby enacts the following amendments to Bylaw # 37-99, A Bylaw Respecting the Water Utility by the addition of, or modification to, the sections below:

Building Laterals

6. (3) The application fee shall be established by a resolution of Village Council. The application fee shall include a base amount plus the costs of a Village provided water meter and associated equipment as well as a backflow prevention device.

Connection to the Municipal System

32. All plumbing, pipes, fittings, vents, fixtures and other devices for conveying and controlling the water supply which are located on the property / premises of the customer shall be of a quality which meets existing minimum standards in the most recent editions of the *National Building Code of Canada*, the *National Plumbing Code*, the *National Fire Code*, and the relevant standards of the *American Water Works Association* as well as the *Village of Sussex Corner Standard Specifications for Developers*. The Village shall require a provincially licensed plumber to inspect any water installation and approve, in writing, such installation as per the above codes / standards prior to the Village providing water service to the customer.

Backflow Preventers

49. (c) Water service to a customer shall be provided only on the provision that the customer has installed at, or near, the entrance to the building on the customer's water service pipe, a backflow prevention device approved by the Village. This device shall be provided to the customer by the Village at the time of application for water service.

Water Meters

62. All new construction commenced after the date of enactment of this bylaw shall include the installation of a water meter and associated equipment as part of the water system installation. Water service shall not be provided from the Village

water system until such time as a water meter and associated equipment have been installed to the expressed satisfaction of the Works Supervisor, or designate.

63. The costs of purchasing and installing the water meter and associated equipment shall be the responsibility of the customer. The Village shall provide the water meter and associated equipment to the customer, at his / her cost, at the time of application for water service. With the exception of Section 66 and 67 below, the costs of inspecting, field testing, maintaining, reading and recording shall be the responsibility of the Village.
64. The water meters and associated equipment are, and remain, the property of the Village.
65. The water meter and associated equipment shall be installed in a location which, in the opinion of the Works Supervisor, is suitably situated within the building at, or near, the point of entry of the water service pipe with first a shut-off valve, then the water meter and finally a backflow prevention device. The installation shall be completed in such a manner that the meter can be easily read and will not be exposed to freezing temperatures. The installation shall also include a suitable location for a remote meter reading device.
66. The customer shall be responsible for and protect the water meter and associated equipment. The customer shall not, nor permit others to, damage or be the cause of damage to the water meter and associated equipment. The customer shall be liable for any damage to the water meter and associated equipment resulting from carelessness, hot water, steam or the action of frost or any other cause not the fault of the Village or its agents or employees. Any costs incurred by the Village to remedy such damage, including but not limited to, the repair or replacement of the water meter and / or associated equipment shall be paid by the customer. If, after the rendering of an invoice by the Village for such costs incurred by the Village, the invoice is not paid within thirty (30) days from the date rendered, the Village reserves the right to suspend the supply of water until all charges are paid.
67. The customer shall ensure that no person tampers with, disconnects, or in any way interferes with the intended operation of the water meter and / or associated equipment. The installation of any bypass piping or other device capable of reducing the accurate reading / recording of water consumption shall be expressly prohibited. Should the Village become aware of any such violation, the Village reserves the right to suspend the supply of water until the situation is remedied to the expressed satisfaction of the Village and any costs incurred by the Village are paid in full by the customer.
68. The Works Supervisor shall maintain a master list of all installed water meters and associated equipment.

69. The Works Supervisor, or designate, shall have right of access to the customer's property / premises at all reasonable hours for the purposes of inspecting, testing, repairing, maintaining or reading a water meter and / or associated equipment. The Village shall have the right to suspend water service to a customer who refuses such access or does not respond to requests by the Works Supervisor, or designate, for such access.

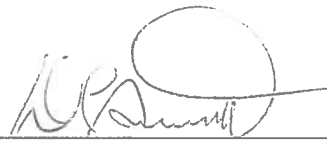
Enactment

This bylaw shall come into full force and take effect and be binding on all persons as of and from the date of enactment shown below:

READ A FIRST TIME 2013 03 19

READ A SECOND TIME 2013 03 19

READ A THIRD TIME AND ENACTED 2013 04 16



CLERK



MAYOR

**VILLAGE OF SUSSEX CORNER
BY-LAW # 129 - 18**

**A BY-LAW TO AMEND THE VILLAGE OF SUSSEX CORNER
WATER UTILITY BY-LAW # 37 - 99**

The Village of Sussex Corner by the authority of the Local Governance Act of the Province of New Brunswick hereby enacts the following amendments to By-law 37 – 99, A By-law Respecting the Water Utility:

Section 49 (j) Remove the following:

“ The cost to install, maintain and field test a backflow prevention device shall be borne by the Village during the initial installation of the backflow prevention devices in new and existing buildings. Beginning April 1, 2002, the cost to install the backflow prevention devices in new and existing buildings will become the responsibility of the home owner. The cost of inspection and maintenance of these devices will continue to be the responsibility of the Village.”

Section 49 (j) Replace the above with the following:

“ The cost to purchase and install backflow prevention devices and thereafter inspect and maintain said devices shall be the responsibility of the property owner. ”

Schedule “A” Add the following classification:

Commercial Establishments 17. Distillery 1.00

ENACTMENT

This by-law shall come into full force and take effect and be binding on all persons as of and from the date of enactment shown below:

| | |
|-------------------------------|------------|
| READ A FIRST TIME | 2018 03 20 |
| READ A SECOND TIME | 2018 03 20 |
| READ A THIRD TIME AND ENACTED | 2018 04 17 |

CLERK

MAYOR