

# MUNICIPALITY OF THE DISTRICT OF LUNENBURG

## **By-law Respecting Municipal Sewers**

Effective date November 1, 2002

Amended December 12, 2006

Amended April 21, 2009

### **Title**

1. This By-Law is entitled the "Municipal Sewer By-Law".

### **Purpose**

2. The purpose of this By-Law is to regulate the design, construction, use and operation of public sewer systems owned and maintained by and within the Municipality of the District of Lunenburg. **[amended April 21, 2009]**

### **Definitions**

3. In this By-Law:
  - (1) "Building Service Connection" shall mean a sewer pipe, and its appurtenances, that is located on both private and public property, and which connects a building or structure to a public sewer.
  - (2) "Council" shall mean the Council of the Municipality of the District of Lunenburg.
  - (3) "Engineer" shall mean the Director of Engineering and Public Works of the Municipality of the District of Lunenburg, and/or designate.
  - (4) "Municipality" shall mean the Municipality of the District of Lunenburg.
  - (5) "Owner" shall mean the owner or authorized agent of property that is serviced by, or connected to a public sewer system.
  - (6) "Private Sewer" shall mean a sewer system that is located on private property and that is not owned or maintained by the Municipality.
  - (7) "Public Sewer" shall mean a sewer system that is located on public property and that is owned and maintained by the Municipality.

- (8) "Sanitary Sewage" shall mean wastewater generated from buildings, including residences, and industrial, commercial and institutional establishments, but excluding storm water.
- (9) "Sanitary Sewer" shall mean a sewer system, or component thereof, which is designed, constructed and maintained to expressly collect, store, transmit, treat and dispose of sanitary sewage.
- (10) "Sewer Main" shall mean that portion of a sewer system designed to accept and convey wastewater from a building service connection.
- (11) "Sewer System" shall mean all works and components, including pipes, conduits, pumping stations and treatment plants, designed, constructed and/or maintained for the collection, storage, transmission, treatment and disposal of wastewater.
- (12) "Storm Sewer" shall mean a sewer system, or component thereof, which is designed, constructed and maintained to expressly collect, store, transmit, treat and dispose of storm water.
- (13) "Storm Water" shall mean naturally occurring ground and surface waters, and rainfall run-off, and industrial heating and cooling, and process wastewaters, with contaminant concentrations within approved maximum levels.
- (14) "Storm Water Connection" shall mean a sewer pipe, and its appurtenances, that is located on private property, and which conveys storm water to a storm sewer.
- (15) "Wastewater" shall mean a combination of liquid or water-carried wastes removed from residences, and industrial, commercial and institutional establishments, together with such ground, surface and rainfall runoff waters, as may be present.
- (16) "Residential Lot" shall mean a single unit dwelling with 5 bedrooms or less; semi-detached dwellings with 3 bedrooms or less each. **[amended Dec. 12, 2006]**
- (17) "Commercial Lot" shall mean a property designed for the use by retail, wholesale, office, service users and multi-residential unit buildings over two dwellings or more. **[amended Dec. 12, 2006]**

### **Design and Construction Standards for Public Sewers**

4. The design and construction of public sewers will conform to the Municipal Public Sewer Standards, as issued and amended, from time to time.
5. The Municipal Public Sewer Standards will be prepared and maintained under the direction of the engineer, and approved by Council as policy to this By-Law, as amendments require.
6. No person shall construct, alter, damage or remove any part of a public sewer, except as directed by the engineer.

### **Connections to Public Sewers and Owner's Responsibility**

#### Requirements to connect

7. (1) The engineer may give notice in writing to an owner of property, that may be served by a public sewer, or where a public sewer is made available, requiring that owner, within the time specified in the notice, to connect with the public sewer by a building service connection.
- (2) Where the owner of the property is notified by the engineer to connect with public sewer by a building service connection, and the owner fails to comply with the notice, the engineer may cause to be done all work necessary for compliance with the notice.
- (3) Where a property is to be served by a public sewer, the owner of the property shall cause any septic tank, cesspool, privy, private sewer or private on-site sewage disposal system on the property to be abandoned and removed or filled with suitable material in a manner acceptable to the engineer.
- (4) Where the owner of the property is notified by the engineer to remove or close-up a septic tank, cesspool, privy, private sewer or private on-site sewage disposal system on the property, and the owner fails to comply with the notice; the engineer may cause to be done all work necessary for compliance with the notice.
- (5) The engineer may require, as a part of the work necessary for compliance pursuant to the notice or notices given per this section, the installation of a suitable water closet and its connection to the public sewer.
- (6) The engineer may require an owner of property served by a public sewer to repair, reconstruct or replace a building service connection.

- (7) If a building service connection is not laid, built and connected with the public sewer, or any other work related to the building service connection is not done to the satisfaction of the engineer, the engineer shall, in writing, notify the owner of the property served or to be served by the building service connection to that effect, specifying in what particulars the work is unsatisfactory, and if the owner fails to perform the work to the satisfaction of the engineer within seven (7) days from the receipt of the notice, the engineer may perform the necessary work.
- (8) The engineer will not require connection to the public sewer where a property fronts on a public sewer main unless the property has a malfunctioning on-site sewage disposal system, or otherwise creates or poses an adverse effect.
- (9) Work related to building service connections, including the removal of on-site sewage disposal systems, performed by the engineer, or otherwise, pursuant to this Section will be at the cost of the owner of the property served by the building service connection.

#### Application for building service connection

8. No person shall make a connection to the public sewer,
  - (1) in violation of this By-Law, or any policy made pursuant to this By-Law;
  - (2) without the approval of the engineer.
9. Applications for construction of a building service connection to a public sewer will be submitted to the engineer using a Municipal form designed for such purpose, and include the requested information, including the location of the property, owner name, abutting road name, site grades, the anticipated nature of the wastewater to be disposed of and the anticipated wastewater flow from the building service connection.
10. The engineer will review the application, and, within seven (7) days of the date of receipt of the application, and if the request is accepted, will advise the owner of the specific requirements of constructing the building service connection, and the estimated amount of fee to be paid to the Municipality for such connection, or will advise the owner why the building service connection request has been rejected.
11. The owner of the property with respect to the building service connection will pay a deposit towards the fee for the construction of the building service connection. The deposit will be an amount as prescribed from time to time by

Council. The fee will equal the cost of the building service connection to the property line from the public sewer main.

12. Upon approval of a building service connection application by the engineer, and receipt of the prescribed deposit from the owner, the engineer will issue a building sewer connection permit describing the requirements for construction of the building service connection, the estimated connection fee, the amount of deposit received, the time period within which such connection can be constructed and any other building service connection requirements the owner must comply with, including posting of bonds and security as may be required for work required on public highways.

#### Design, construction, and inspection of building service connections

13. The design, construction and inspection of all building service connections will conform to the Municipal Public Sewer Standards.
14. The construction and inspection of a building service connection is subject to the supervision of the engineer.

#### Engineer's right to inspect

15. No building service connection shall be covered in until it is inspected and approved by the engineer.
16. The engineer will issue a certificate of approval to the owner for an approved building service connection.
17. Where the owner, or the owner's agent, covers in a building service connection before it is inspected and a certificate of approval issued, the engineer may open it for the purpose of inspection. This work will be done at the owner's expense.

#### Charges

18. The owner will be responsible for the cost of constructing and inspecting the building service connection, net of any deposit received by the Municipality.
19. The cost of constructing and inspecting the building service connection within the public right-of-way or easement or other conveyance between the property line and the public sewer main will be paid by the owner to the Municipality, to the extent that the Municipality has done work, within thirty (30) days of the certificate of approval being issued, net of any deposit received by the Municipality.

20. Where the deposit exceeds the final cost of the approved building service connection, the Municipality will reimburse the owner, the balance owing within thirty (30) days of the certificate of approval being issued.

#### On-going use

21. An owner is responsible for the operation and maintenance of the building service connection, in conformance with the issued certificate of approval and the requirements of this by-law.
22. The engineer may repair or replace a building service connection with the consent of the owner and at the expense of the owner.
23. Where a building service connection is causing a municipal sewer to malfunction and repairs to the connection would result in the malfunction being cured, the engineer may require the owner of the property, by notice, in which any portion of the connection which requires repairs is located, to complete the repairs within a reasonable period of time specified by the engineer.
24. Where the repairs required are not completed by the owner within the time specified in the notice, the engineer may cause the repairs to be completed. This work will be done at the owner's expense.

#### Abandonment

25. Applications for abandonment of a building service connection will be submitted to the engineer using a Municipal form designed for such purchase, and will include requested information.
26. Within seven (7) days of receipt of the application, the engineer will advise the owner of the requirements of the work to remove the connection from service, and the estimated cost for such work.
27. The materials and methods of removal of the building service connection and its abandonment will be as prescribed in the Municipal Public Sewer Standards.
28. The owner will be responsible for the cost of the abandonment of the building service connection.
29. The blocking up of an abandoned building service connection shall be inspected and approved by the engineer before it is covered.
30. Where the owner, or the owner's agent, covers in an abandoned building service connection before it is inspected and a certificate of approval is issued,

the engineer may open it for purposes of inspection. This work will be done at the owner's expense.

31. Where the owner, does not effectively block up a sewer connection within twenty-four (24) hours from the receipt of notice from the engineer to do so, the engineer may cause it to be done. This work will be done at the owner's expense.

### **Discharges into Public Sewers**

32. No person shall permit the discharge into public sewers of
  - (1) a liquid or vapour having a temperature higher than 75 degrees Celsius;
  - (2) inflammable or explosive matter;
  - (3) a quantity of matter capable of obstructing the flow in, or interfering with, the proper operation of a part of the sewer system and its treatment processes;
  - (4) wastewater that has any corrosive property that could be hazardous to structures, equipment or personnel;
  - (5) wastewater of such quality that an offensive odour or foam could emanate from the sewer system or that could cause a nuisance;
  - (6) wastewater containing fish or animal offal or pathological or medical wastes;
  - (7) the contents of septic tanks, holding tanks or wastes from marine vessels or vehicles or sludge from wastewater treatment plants;
  - (8) wastewater containing animal fats, wax, grease or vegetable oil in liquid or solid form in concentrations exceeding the capacity of the sewer system to convey and process;
  - (9) wastewater containing herbicides, pesticides, xenobiotics, polychlorinated biphenols or radioactive materials that are not approved for disposal in a sanitary sewer by the Atomic Energy Control Board of Canada;
  - (10) wastewater with concentrations of suspended solids that exceed the capacity of the sewer system to convey and process;

- (11) wastewater that exerts or causes biochemical oxygen demand and chemical oxygen demand greater than the capacity of the sewer system to convey and process;
  - (12) wastewater containing substances for which special treatment or disposal practices are required by any applicable enactments of Canada or Nova Scotia;
  - (13) wastewater in such a quantity that the hydraulic capacity of the sewer system, or any portion of it, conveying same is exceeded;
  - (14) wastewater volumes that are in excess of those stipulated in the owner's certificate of approval for the building service connection;
  - (15) wastewater and other wastes discharged from, and/or through, garbage disposal devices such as garburators, and other like devices.
33. Compliance with any limit on the concentration of a substance in wastewater is not attainable simply by dilution.
34. A treatment or flow volume control equalizing facility or device installed by an owner in order to comply with the discharge limits of this By-Law, shall be maintained by the owner of the property on which it is installed at the expense of the owner.

#### Requirements for interceptors

35. (1) The engineer may require an owner of land that is connected to a public sewer to provide grease, oil and sand interceptors.
- (2) All interceptors shall be of a type and capacity approved by the engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.
- (3) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place are gas-tight and watertight.
- (4) Where the interceptors required are not provided by the owner within the time frame referred to the notice, the engineer may cause the interceptors to be provided, at the owner's expense.



### **Wastewater Management Districts**

36. Where the Municipality has established a wastewater management district, the requirements of this By-Law will apply to public sewer systems, and, as far as is practical, will apply in conjunction with the requirements of the by-law for the wastewater management district. In the event of conflicting requirements, this By-Law will govern.

### **Storm Sewers**

37. Storm sewer systems will be expressly used for the collection, conveyance, treatment and disposal of storm waters, and will not receive sanitary sewer wastewater.
38. Storm sewer systems will be designed and constructed in accordance with the Municipal Public Sewer Standards.
39. Building connections to a storm sewer, and requirements to connect to a storm sewer, will be governed by the relevant Sections of this By-Law.

### **Extensions and Improvements to Public Sewers**

40. No person will make or allow an extension or improvement to a public sewer without the approval of the engineer.
41. No approval for extension or improvement to a public sewer will be given unless,
  - (1) the extension or improvement to the public sewer has been approved by Council, under recommendation of the engineer, and
  - (2) the design and construction, and all other aspects, of the extension or improvement to the public sewer, is in conformance with the Municipal Public Sewer Standard, as certified by the engineer, and
  - (3) the Council has approved the expenditure for the extension or improvement to the public sewer, or
  - (4) the Council has approved of a development agreement with another party who will undertake the extension or improvement of the public sewer at their sole cost, and who will upon completion of the work, deed all rights and ownership of the work to the Municipality, and warrant its performance under the terms of a written development agreement between the Council and the other party.

42. With respect to Subsection 41. (4), where the extension or improvement to a public sewer forms part of an application to subdivide land, the form and terms of the development agreement will comply with the requirements of the Municipality's Subdivision By-law.

### **Prohibitions**

43. No person shall
- (1) permit storm water, including surface water, ground water, roof runoff, subsurface drainage, cooling water or industrial process water to be discharged into a sanitary sewer;
  - (2) connect a sump pump to a sanitary sewer;
  - (3) discharge sewage anywhere except into a municipal sewer, or a private on-site sewage system or a private wastewater facility, both as approved by the province of Nova Scotia;
  - (4) permit any contents of a septic tank or cesspit to be discharged into a municipal sewer or watercourse.

### **Charges**

44. Council will levy an annual charge to property owners served by a public sewer system in order to recover the amount required, or as much of the amount required as Council considers advisable to collect in any one fiscal year, to operate the Municipality's public sewer systems. By resolution of Council, this annual charge will take the form of,
- (1) an area rate of a percentage or portion of each dollar of the assessed value of the taxable property or occupancy assessments which are connected to any public sewer, or can be connected to any public sewer, where the property or occupancy fronts a public sewer main, or
  - (2) a uniform charge on each taxable property assessment, or occupiable building, which is connected to any public sewer, or can be connected to any public sewer, where the property or occupancy fronts a public sewer main. **[amended April 21, 2009]**
45. The Council may exempt a property owner from payment of the annual charge where the taxable property (ies) or occupancy (ies) of the property owner is (are) not connected to a public sewer.

46. A property or occupancy will be considered to front a public sewer main where,
- (1) the property, including the property upon which the occupancy is located, has at least one side adjacent to a public right-of-way or conveyed easement under which exists a public sewer main, of which the length of the side is a minimum of 3.05 metres (10 feet), and
  - (2) the centerline of the public sewer main is located no more than 152.40 metres (500 feet), in horizontally projected distance, from the geometric centre of the property, and
  - (3) the wastewater flow from the property can be conveyed to the public sewer main, by means of gravity alone, in compliance with the minimum and maximum allowable flow characteristics for wastewater per the Municipal Public Sewer Standard, and
  - (4) the public sewer system possesses the necessary hydraulic and treatment capacity to accept the estimated property wastewater flow.
47. With respect to Subsection 44 (1), the Council may provide, by resolution, that the area rate applies only to the assessed value of one or more of the taxable commercial, residential or resource property and occupancy assessments in the area.
48. With respect to Section 44, the amount required to operate a public sewer system is,
- (1) exclusive of any amounts expended by the Municipality to install, repair, remove or implement any of the work or actions required for building service connections pursuant to Sections 7 through to 31 inclusive, which are rightly payable by the affected property owner, but
  - (2) may include an amount allocated for future expenditure for wastewater facilities in the area served by the public sewer.
49. The Council may levy a one-time charge to each property owner served by a public sewer for the purpose of, recovery of costs related to the extension or the improvement of a public sewer, where the property fronts a public sewer main, and where the property derives benefit from the extension or improvement to the public sewer. By resolution of Council, this one-time charge will take the form of,
- (1) a dollar rate per lineal metre of each taxable property's frontage, with a minimum charge for a property as determined by Council, or

- (2) a uniform charge for each taxable property.
50. (1) The Council will levy a one-time charge to the property owner for every property that connects to the public sewer systems of the communities of New Germany, Hebbville and Conquerall Bank (Riverside subdivision), as those sewer systems existed in terms of capacity and extent, as of November 1, 2002, at a rate of \$19.685 per metre (\$6.00 per foot), with a minimum charge of \$450.00. **[amended Dec. 12, 2006]**
- (2) The Council will levy a one time charge to the property owner for every property that connects to the MacCulloch Road Sewer System, as shown on Appendix "A" to this By-Law, equalling:
- (1) A flat frontage charge of \$ 7,500 per Residential Lot;
- (2) A flat frontage charge of \$15,000 per Commercial Lot, plus a \$66.16 per foot frontage charge, the per foot charge shall not be less than the charge calculated for 75 feet of frontage.
- Subject to any adjustment as determined by 50(3). **[amended Dec 12, 2006]**
- (3) The one-time charge established in subsection 50(2) as established on the effective date of the Amendment, shall be adjusted on an annual basis to reflect the debenture interest cost incurred by the Municipality until the subsidized capital cost, equalling 52.8 % of the total capital cost, plus accompanying debenture interest costs, of the MacCulloch Road Sewer System, as shown on Appendix "A" to this By-Law, is recovered by the Municipality. **[amended Dec. 12, 2006]**
- (4) Any property connected to the MacCulloch Road Sewer System, as shown on Appendix "A" of this By-Law, prior to the effective date of the establishment of the one-time charge, shall be exempted from payment of the one time charge. **[amended Dec. 12, 2006]**
51. The Council may exempt a property owner from payment of one-time charge where the taxable property of the property owner is not connected to a public sewer.
52. The Council may provide a subsidy for an area rate related to a public sewer from the general rate in the amount or proportion approved by the Council.
53. All charges in this By-Law are first liens on real property, and will be collected, and default on payment pursued, in the same manner as the Municipality pursues unpaid taxes.
54. All charges and payments in this By-Law are to be made to the Municipality

55. Amounts payable to the Municipality as one-time charges and charges relating to building service connections may be payable in a schedule of installments, at such frequency and rates of interest as Council may set by resolution, from time to time, and upon default of payment of any installment, the balance shall become entirely due and payable.

### **Appeal**

56. A decision or order from the engineer may be appealed to the Council, via the clerk, by the affected property owner (s) within 30 days of the receipt of the written notice of the engineer's decision or order by the same affected property owner (s).
57. Upon receipt of the appeal by Council, Council will decide on the date and time of the hearing of the appeal, and advise the engineer and the appellant (s) of same, and request them to appear at the hearing.
58. The Council reserves the right to establish procedures to collect evidence and call witnesses as it determines necessary to hear the appeal.
59. The decision of the Council will be final.

### **Penalties**

60. The Municipality may apply to a court of competent jurisdiction to levy a fine for an offense to this By-Law committed by a person, or corporation, upon summary conviction,
  - (1) of a minimum of \$50, to a maximum of \$100, for a first offense;
  - (2) of a minimum of \$250, to a maximum of \$500, for a second similar offense committed within a year of the first offense by the same party;
  - (3) of a minimum of \$500, to a maximum of \$1,000, for a third similar offense committed within a year of the first offense by the same party;
  - (4) of a minimum of \$1,000, to a maximum of \$5,000, for every additional offense beyond the third offense committed within a year of the first offense by the same party.

**Effective Date**

- 61. Each day of the continuation of an offence under this By-Law shall constitute a separate offence.
  
- 61. This By-Law comes into force on November 1, 2002. Chapter XI of the By-Laws of the Municipality of the District of Lunenburg relating to Sewers, as amended April 1, 1994, is repealed.

**Municipal Clerk's Annotation for Official By-law Book**

Date of First Reading:	<u>March 10, 2009</u>
Date of Advertisement - Notice of Intention:	<u>March 17, and 20, 2009</u>
Date of Second Reading:	<u>April 14, 2009</u>
<b>*Date of Advertisement of Passage of By-law</b>	<b><u>April 21, 2009</u></b>

I certify that this By-law amending a By-law Respecting "***Municipal Sewers***" was adopted by Council and published as indicated above.

*April Whyma Holmes*  
Municipal Clerk

*April 22, 2009*  
Date

\*Effective Date of the By-law unless otherwise specified in the text of this By-law