

Municipality of the District of Lunenburg POLICY

Title: LaHave River Straight Pipe Replacement Program	
Policy No. MDL- 73	
Effective Date: August 22, 2017	Amended Date: February 12, 2019

Definitions

- 1.1. "Agreement" means the written, signed Straight Pipe Replacement Agreement between the Owner and the Municipality for the Straight Pipe replacement with an On-Site Sewage Disposal System.
- 1.2. "Annual Maintenance Charge" means the amount levied to the Owner to recover the costs of management and maintenance of an On-Site Sewage Disposal System installed pursuant to this By-Law.
- 1.3. "Authorized Municipal Personnel" means the Designer, Installer, member of the LaHave Project Management Team, a municipal wastewater operator, or agent hired by the Municipality to provide services pursuant to this By-Law.
- 1.4. "Certificate of Installation" means the documentation required as per the *On-Site Sewage Disposal Systems Regulations* verifying an On-Site Sewage Disposal System has been installed.
- 1.5. "Designer" means the Professional Engineering firm(s) or qualified person(s) as defined by the *On-Site Sewage Disposal Systems Regulations* of Nova Scotia and selected by the municipality to evaluate properties and select or design an approved system.
- 1.6. "Director of Engineering" means the Director of Engineering of the Municipality or designate.
- 1.7. "Council" means the Council of the Municipality of the District of Lunenburg.
- 1.8. "Inspection" means the tasks required for Authorized Municipal Personnel to determine if a Straight Pipe exists from the building(s) upon the property.
- 1.9. "Installer" means the Qualified Person(s) as defined by the *On-Site Sewage Disposal Systems Regulations* of Nova Scotia and selected by the municipality to complete the installation of approved systems.

- 1.10. "LaHave River Project Management Team" means the project leadership team, as appointed by the CAO, or any other employees of the Municipality as appointed from time to time, by the CAO.[amended Feb. 12/19]
- 1.11. "Municipality" means the Municipality of the District of Lunenburg or any employee or agent hired by the Municipality.
- 1.12. "Project Manager" means the person hired by the Municipality to provide project coordination services for the Straight Pipe Replacement Program pursuant to this bylaw and applicable regulations.[amended Feb. 12/19]
- 1.13. "Public Sewer" means a sewer system that is located on public property and that is owned and maintained by the municipality.
- 1.14. "On-Site Sewage Disposal System" means a system for the treatment and disposal of sewage from a building not directly connected to a Public Sewer or other approved central sewage collection and treatment system.
- 1.15. "Owner" means the following:
 - 1.15.1. An owner, part owner, joint owner, tenants in common or joint tenant of the whole or any part or parcel of land or building;
 - 1.15.2. In the case of absence or incapacity of a person or persons having ownership of the parcel of land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of land or building; or,
 - 1.15.3. In the absence of proof of the contrary, the person assessed for the taxes on the parcel of land or building.
- 1.16. "Recovery Charge" means the charge levied to the Owner to recover the costs of the Work.
- 1.17. "Straight Pipe" means the transport of raw, untreated or partially settled sewage directly to a watercourse or drainage system that leads to a watercourse in place of a sewage disposal system.
- 1.18. "Straight Pipe Replacement Program" means the Work undertaken to replace all Straight Pipes with the Wastewater Management District with On-Site Sewage Disposal Systems pursuant to this By-Law.
- 1.19. "Wastewater Management District (WWMD)" means an area established by a municipality within which it has the power to manage all wastewater disposal systems both public and private (i.e. individual, on-site sewage disposal systems.).

- 1.20. "Work" means any activity related to, but not limited to, the required Inspections, assessments, surveys, design, installations, construction, property restoration, operation and maintenance for and of On-Site Sewage Disposal Systems to replace Straight Pipes within the Wastewater Management District.

Process for Identification & Enforcement of Properties Using Straight Pipes

2. Self-Identification

- 2.1. Owners may self-identify properties that use a Straight Pipe by applying for the Straight Pipe Replacement Program.

3. Proof of Sewer System

- 3.1. For properties within the WWMD, if the Municipality or Nova Scotia Environment holds no proof of an On-Site Sewage Disposal System, connection to a Public Sewer, a combination of the foregoing, or connection to a private wastewater facility, or other system that is not a Straight Pipe, a package shall be sent to the Owner(s) of the property, which shall request proof of the above or that the Owner(s) apply for the Straight Pipe Replacement Program.
- 3.2. The LaHave River Project Management Team has the sole discretion to determine if the paperwork submitted by the Owner is acceptable as proof of a system that is not a Straight Pipe.

4. Inspections

- 4.1. Where no proof of an On-Site Sewage Disposal Systems has been provided to the Municipality, Authorized Municipal Personnel shall inspect the buildings upon the property and infrastructure upon the property to determine if a Straight Pipe exists.

5. Enforcement

- 5.1. Where the Owner of the property with a Straight Pipe does not apply for the Straight Pipe Replacement Program, Nova Scotia Environment shall be informed.
- 5.2. As per the Memorandum of Understanding dated July 17, 2016 between the Municipality of the District of Lunenburg and Her Majesty the Queen In Right of Nova Scotia as represented by the Minister of the Environment, the Nova Scotia Environment remains solely responsible for acting upon information identifying properties with a Straight Pipe and complying with Environment Act and its associated regulations with respect to the information.

Process for Design and Installation

6. Where a Straight Pipe exists on a property within the WWMD:
 - 6.1. The Designer shall contact the Owner for the following:
 - 6.1.1. Arrange a site visit;
 - 6.1.2. Interview the Owner;
 - 6.1.3. Arrange for the required testing on site; and,
 - 6.1.4. Prepare a detailed Site Assessment Report to determine the optimum treatment system, location and layout of a new On-Site Sewage Disposal System in compliance with the *On-Site Sewage Disposal Systems Regulations* of Nova Scotia and applicable By-Laws of the Municipality.
 - 6.2 The Installer shall supply and install on the Owner's property an On-Site Sewage Disposal System as per the Designer's specifications and instruction. [amended Feb. 12/19]
 - 6.3 The Installer shall complete the site recovery to meet the landscaping standard adopted by the LaHave River Project Management Team. Any landscaping work beyond the specifications outlined in the landscaping standard is the sole responsibility of the property owner.[amended Feb. 12/19]
 - 6.4 Upon the satisfactory installation of the On-Site Sewage Disposal System, the Designer shall provide a copy of the Certificate of Installation to the Project Manager.[amended Feb. 12/19]
 - 6.5 The Project Manager shall file the Certificate of Installation with the Municipality, and a one-time Recovery Charge shall be applied as per the *LaHave River Wastewater Management District Cost Recovery Policy*. [amended Feb. 12/19]
 - 6.6 While the Municipality has full responsibility for the On-site Sewage Disposal System as stated in the *LaHave River Wastewater Management District By-Law*, contractors shall be hired by the Municipality to maintain the On-Site Sewage Disposal System installed under the Straight Pipe Replacement Program that require routine preventative maintenance according to the requirements of the manufacturer of the On-Site Sewage Disposal System and/or as recommended by the Designer.[amended Feb. 12/19]
 - 6.7 An Annual Charge to cover the Annual Maintenance Costs shall be administered to the Owner as per the *LaHave River Wastewater Management District Cost Recovery Policy*. [amended Feb. 12/19]
 - 6.8 When the Municipality transfers full responsibility of the On-Site Sewage Disposal System to the Owner, the Annual Charge shall be discontinued and a letter shall be sent to the Owner by registered mail stating that full responsibility of the On-Site Sewage Disposal System residing on the Owner's property has been transferred to

the Owner, and any and all maintenance and replacement costs thereof are the responsibility of the Owner. [amended Feb. 12/19]

- 6.9 As required by the Nova Scotia Environment, for more complex On-Site Sewage Disposal Systems that require routine preventative maintenance as per the manufacturer's instructions and/or the Designer's direction when the Owner takes full responsibility of the On-Site Sewage Disposal System, the Owner shall provide proof of contract to the Municipality and the Nova Scotia Environment with a certified installer for the routine maintenance of the On-Site Sewage Disposal System. [amended Feb. 12/19]

Clerk's Annotation for Official Policy Book

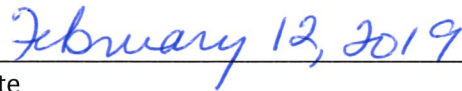
Date of Notice to Council Members
of Intent to Consider: July 25, 2017
Date of Adoption of Policy: August 22, 2017

Date of Notice to Council Members
of Intent to Consider: January 22, 2019
Date of Approval of Amendments: February 12, 2019

I certify that this "*LaHave River Straight Pipe Replacement Program*" Policy was adopted by Council as indicated above.



Municipal Clerk



Date