

**MUNICIPALITY OF GRAND LAKE
BY-LAW NO. 06-01**

**A BY-LAW OF THE MUNICIPALITY OF GRAND LAKE RESPECTING THE SANITARY
SEWERAGE SYSTEM, SEPTIC TANKS AND SEWER CHARGES**

PURPOSE: A by-law of the Municipality of Grand Lake, in the Province of New Brunswick, for the purpose of establishing the sanitary sewerage system, septic tanks and sewer charges for the Municipality of Grand Lake.

BE IT ENACTED: Pursuant to section 10(1) of the *Local Governance Act* the Municipality of Grand Lake adopts as follows:

**A By-Law to Amend the Municipality of Grand Lake
By-Law Respecting the Sanitary Sewerage System, Septic Tanks and Sewer Charges**

Definitions:

1. In this by-law

- a) "Building" means any structure used or intended for supporting or sheltering any use or occupancy situated within the jurisdiction of the Municipality of Grand Lake.
- b) "Building Drain" shall mean the part of the lowest horizontal piping of a drainage system, including any vertical offset, that receives sewage from the building and conducts it to the building sewer.
- c) "Building Sewer" shall mean a pipe that is connected to a building drain and begins approximately one (1) metre outside the wall of a building and leading to the "public sewer" or other place of disposal approved by the Municipality.
- d) "CBOD" or "Carbonaceous Biochemical Oxygen Demanding Matter" means the carbonaceous matter that consumes, by biochemical oxidation, oxygen dissolved, oxygen dissolved in water.
- e) "Clerk" shall mean the Clerk of the Municipality of Grand Lake.
- f) "Council" shall mean the elected Council of the Municipality of Grand Lake.
- g) "Dwelling" shall mean a building, any part of which is used or intended to be used for human habitation.
- h) "Dwelling Unit" means one or more rooms located within a dwelling used or intended to be used for human habitation.
- i) "Engineer" shall mean the engineer, firm, company, association, corporation or group from time to time designated by the Municipality to oversee the construction, design, repair and maintenance of the sewer system or their representative.

- j) "Inspector" shall mean the inspector from time to time designated by the Municipality to oversee the implementation of this Bylaw, the operation of the sewer system and the construction and maintenance of the sewer system within the Municipality's jurisdiction.
- k) "Lateral" shall mean the extension from the sewer main to the line of adjoining properties.
- l) "Mainline Adapt-A-Valve" only the mainline adapt-a-valve complete with normally open cassette shall be installed at the property line of the sanitary sewer lateral to prevent the backward flow of wastewater.
- m) "Maintenance Department" shall mean the Municipality of Grand Lake Sewer and Public Works Department or any person, firm or officer appointed by Council as required for the efficient and continuous operation of the sewerage system.
- n) "Municipality" shall mean the Municipality of Grand Lake and shall include its staff, employees, servants, officers, and agents.
- o) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- p) "Natural Watercourse" shall mean a surface or underground watercourse created by natural agencies and conditions.
- q) "Owner" shall mean the person in whose name a property is assessed under the *Assessment Act*.
- r) "Owner's Agent" shall mean any person, firm, contractor or agent hired, contracted with or authorized by the "Owner" to perform work or service on their behalf.
- s) "Person" shall mean any individual, firm, company, association, institution, society, corporation, or group.
- t) "Private Sewer System" shall mean any private system for sewage disposal serving one lot of real property.
- u) "Public Sewer" shall mean a common sewer controlled by the Municipality.
- v) "Sanitary Sewer" shall mean a sewer which carries sewage and into which admission of storm, surface and ground waters is specifically prohibited.
- w) "Sewage" shall mean combination of the water-carried wastes from residences, businesses, buildings, institutions, and industrial establishments.
- x) "Sewer" shall mean a pipe or conduit for carrying the domestic wastewater, industrial wastewater, surface run off, or excess ground water either together or separately.
- y) "Sewer System" shall mean collectively all the property involved in the operation of the sewer utility and shall include land, piping and appurtenances, pumping stations, treatment works, and general property.

- z) "Storm Sewer" shall mean a pipe or conduit for carrying storm water, surface water and excess ground water but excludes domestic wastewater and industrial wastes.
- aa) "Suspended Solids (SS)" shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by laboratory filtering.
- bb) "User Unit" shall mean a unit as defined in SCHEDULE "B" USER UNIT TABLE of the Bylaw.
- cc) "Unpolluted Drainage" shall mean drainage which does not contain micro-organisms, chemicals, wastes, or wastewater in a concentration that exceeds the effluent criteria in effect.
- dd) "Wastewater" shall mean a combination of the water carried wastes from residences, businesses, building, institutions, and industrial establishments.

MAINTENANCE DEPARTMENT

- 2. The Council may appoint such officers and employees necessary for the efficient and continuous operation of the sewerage system.
- 3. Subject to the direction of Council, the Public Works Maintenance Department shall:
 - (a) Supervise the construction and maintenance of the sewerage systems;
 - (b) Cause to be made plans of the sewer system showing the location, depth, material, size, shape, thickness, and construction thereof and all additions and alterations made thereof from time to time, and
 - (c) Keep or cause to be kept a record of all work done in connections with the sewer system showing the cost of labour and materials for each job, the depth of the pipe, the location of shut-offs, and any other details of each job required by the council for sewerage connections, and
 - (d) Keep or cause to be kept record of whatever sort necessary for the efficient operation of the sewerage system.

APPLICATION FOR INSTALLATION /PERMIT REQUIRED

- 4. Any person wishing or required to connect a building sewer from any dwelling or building to a public sewer, or who wishes to replace or in any way undertakes any construction or excavation which might affect a lateral or any part of the sewer system, shall submit to the Municipality an "Application for Service & Permit" in the form set forth in Schedule "A" annexed to this Bylaw.
- 5. At the time of making application for a permit under Section 4, the owner shall submit a deposit with the Clerk in the amount as indicated in the Application for Service". Upon completion of assessment

by the Public Works Maintenance Department, the owner shall forthwith pay the amount of the estimated cost of installing the lateral from the Municipality mains to the property line of the owner prior to commencement of installation. All costs and expenses incident to the installation of the building sewer to the public sewer shall be borne by the property owner. Streets, sidewalks, parkways, or any other public property disturbed in the course of this work shall be restored by the owner or at the expense of the owner, to the satisfaction of the Municipality.

6. Before such permit is issued the Council or its agent for such purposes shall inspect the premises intended to be serviced and the facilities being installed to determine whether the provisions of this by-law have been complied with.

7. No project, construction or installation included under Section 4 shall commence until a permit is issued.

8. Applications for the construction or installation of any work included under Section 4 shall not be accepted after September 30th of any year, unless approved by Council.

9. Any construction, installation, or work included under Section 4 shall not be undertaken after November 30th or prior to April 15th in any year, unless approved by Council.

10. No person shall make or cause to be made an extension or addition to the sewer system without first obtaining the written permission of Council or its authorized agent.

11. No person shall uncover, make any connections with or openings into, use, alter, or disturb any part of the sewerage system without first obtaining written permission from the Council or its authorized agent.

12. Any permission granted under this by-law may be suspended or revoked by Council, if in the opinion of the Council or its agent, the sewerage facility approved by such a permit is not being installed or maintained in compliance with the provisions of this by-law.

13. The size, shape, alignment, construction materials, and methods to be used in excavating, placing of the pipe, jointing, testing, backfilling and siting sewer or a lateral shall be subject to the supervision and approval of a person authorized by Council.

14. No connection to the public sewer or installation or connection to a lateral shall be made except under the direct and personal supervision of a person duly authorized by Council.

15. No building sewer or lateral may be covered until it is inspected and approved by a person authorized by Council. The property owner or their agent shall notify the Municipality when the building sewer is ready for inspection and connection to the public sewer. Any person who violates or fails to comply with this by-law is guilty of an offence and liable, upon summary conviction, to a fine of not less than \$3000.00.

16. If the person installing a building sewer or their agent covers over any building sewer before it has been inspected, the Municipality may excavate the building sewer for the purposes of inspection and the cost of so doing shall be recoverable from the owner of the building sewer. Any person who violates or

fails to comply with this by-law is guilty of an offence and liable, upon summary conviction, to a fine of not less than \$3000.00.

17. No person shall connect any building with the sanitary sewerage system unless the building is supplied with running water sufficient at all times to ensure the proper functioning of the connection.

18. The pipe used for building sanitary sewer shall be:

(a) the minimum size of sanitary service lateral pipe shall be 100 mm in diameter.

19. Sanitary service lateral pipe and fittings shall be:

(a) Polyvinyl Chloride (PVC) complete with bell and spigot type joints with locked-in rubber gaskets, lubricant and all other necessary appurtenances certified to CSA B182.2 and conforming to ASTM D3034 as manufactured by IPEX, Royal Building Products or approved equivalent. PVC lateral pipe shall be SDR 35 and colour coded green;

(b) laid at a slope of not less than one-eighth (1/8) inch per linear foot; and

(c) placed at a sufficient depth within the ground or otherwise sufficiently secured to ensure that it is protected from frost and other hazardous conditions.

20. Where the owner of land served by the sanitary sewerage system on which a building is situated fails to install a building sewer connecting the building with the sanitary sewerage system, fails to install a backflow protector or similar apparatus when required to do so, or both or otherwise fails to properly connect a building with the sanitary sewerage system, the Council, where it is deemed necessary or desirable to the maintenance of healthful and sanitary conditions in the Municipality or to the proper functioning of the sewerage connection or to prevent flooding, may, by resolution, instruct the proper authority to serve a notice upon such owner instructing them to comply with the provisions of this by-law.

21. Such notice shall specify what work is to be done by the owner and the time in which the work is to be done.

22. The notice provided for in section 20 may be served:

(a) By personal service upon the person named therein; or

(b) By registered mail addressed to the person named therein; or

(c) By being posted in a conspicuous place on the premises if service cannot be reasonably effected under subclause (a) and (b) herein.

23. Having a clean-out access point, 1.5 metres from the foundation wall or building structure to allow clear outside access, per our design detail, is compulsory on new construction, renovations or existing dwellings at the owner's expense.

24. Any changes or additions to industrial/commercial wastewater flow increases need to be discussed with the Sewage Department to make sure the plant can handle the addition and to give the opportunity to make adjustments where needed.

MAINLINE ADAPT-A-VALVE/INSPECTION CHAMBER BACKWATER VALVE AND LIFT PUMPS

25. The owner must, at their expense, install a “mainline adapt-a-valve”, Model ML-448IC complete with a normally open cassette and pipe/collar combo, in the connection of the building sanitary sewer, at the property line, to the sanitary sewerage system, necessary to ensure the proper functioning of the connection and to prevent flooding, and such backflow protector shall be the mainline adapt-a-valve unit installed in a manner satisfactory to the Council or its authorized agent.

26. Section 25 applies to existing as well as new installations.

27. Any person who fails to install a mainline adapt-a-valve, Model ML-448IC complete with open cassette and lid/collar combo, as required by this section is guilty of an offence.

28. The Municipality shall not be liable for damages to buildings, persons, personal belongings, furniture, or effects caused because a backwater valve that was not installed or is not functioning properly.

29. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewerage carried by such building drain to be discharged into the public sewer system shall be lifted by a CSA approved or equivalent sewage lift pump, installed according to the manufacturer's instructions. This is the responsibility of the owner.

GENERAL

30. Upon completion of the building sewer 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 septic tank, cesspool, privy or private sewage disposal system to be abandoned and filled with suitable material.

31. Not more than one building shall be serviced from each building sewer unless a special permit is obtained from the Municipality.

32. On any street upon which the Municipality is carrying out an extension to the sewer system, the owner of a property fronting on such a street and owning property large enough to be subdivided, must specify in writing to the Municipality how many laterals the property owner wants installed, at the time of the expansion.

33. Should the property owner want additional laterals installed at a later date, the cost of the installation shall be the responsibility of the property owner.

34. The owner of a building adjacent to a street or right-of-way where a sanitary sewer is located shall install suitable toilet facilities per the requirements of the National Building Code of Canada, in the building and cause such facilities to be connected directly to the sanitary sewer in accordance with the provisions of this bylaw.

35. If it is established by the owner, the Municipality 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 requirement of Section 34.
36. An owner, as specified in 34, shall be required to connect the building sewer within 1 year of the system becoming operational, unless an extension is granted by Council.
37. If the owner fails to comply with section 34 or 36, the owner shall make payment equal to the sewer user-charge that would be payable under this bylaw had the lateral been connected.
38. The Municipality may refuse to permit a building sewer connection to any building.
39. The Municipal Maintenance Department or any person authorized by Council may at any reasonable hour enter any premises in the execution of his duties in respect to the maintenance, repair, disconnection, and inspection of the Municipality's sewer system.
40. Services Stations and garages shall not be allowed to connect any floor drains to the Municipality's sewerage system.
41. Where a building is situated on land not able to be serviced by the sanitary sewerage system the owner of the property shall install and connect the building with a septic tank and such apparatus and appliances as may be required to insure the proper sanitary conditions of the building and premises and shall maintain the same in compliance with the applicable provisions of the *Health Act* and *Regulations* there under.
42. Where an owner fails to comply with section 41 the Council, if it is deemed necessary or desirable to the maintenance of healthful and sanitary conditions in the Municipality, may, by resolution, instruct the Clerk to serve a notice upon such owner requiring them to comply with subsection 41.
43. Such notice shall specify what work is to be done by the owner and the time in which the work is to be done, provided that the owner shall not be given more than fifteen (15) days to comply with subsection 41.
44. Any notice given pursuant to subsection 42 may be served in the manner provided in section 22.
45. Before a septic tank is installed or connected to a building the owner shall file with the Clerk an application for and obtain a Septic Tank Permit. (Can be applied for through Service New Brunswick.)
46. A Septic Tank Permit shall not be granted unless the Council or its authorized agent is satisfied that the septic tank and related facilities and apparatus will comply with all applicable provisions of the *Health Act* and *Regulations* there under.
47. Section 20 hereof notwithstanding, where a sewerage disposal system other than a septic tank is permitted pursuant to the provisions of the *Health Act* and *Regulations* thereunder, an owner of land not served by the sanitary sewerage system may install or construct such sewerage disposal system provided they have obtained all necessary consents, approvals, or permits required by the said *Act* and *Regulations* and they request and obtain the written permission of the Council or its authorized agent.

BLOCKAGES

48. Any blockage within a building drain or building sewer, from a residence to the property line, shall be the responsibility of the property owner.

49. Where the Municipality is called by the owner to clear or repair a service connection and the blockage or damage is found to occur on that portion of the service connection between the building drain or building sewer and the property line, then the Municipality shall charge the owner for all costs incurred in locating the blockage and repairing and /or clearing the service connection.

50. Where a property owner has contracted with a plumber, contractor, or an owner's agent to clear or repair a lateral line and it is proven that the blockage was not caused by the property owner, the Municipality may, subject to Council approval, reimburse the property owner for all or a portion of the costs.

PROHIBITED MATERIALS AND SUBSTANCES

51. No person shall discharge or cause to be discharge into the sanitary sewer system, by sump pump or other means, including any storm water, surface water, groundwater, roof run off, weeping tile or cellar drainage including floor drains and subsurface drainage.

52. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet.

53. Food preparation businesses need to have a grease trap installed and be available to be inspected.

54. No person shall discharge or cause to be discharged any of the following into the sanitary sewerage system or other public sewer:

- (a) Any gasoline, motor oil, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- (b) Any water wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewerage treatment plant;
- (c) Any waters or waste having a corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sanitary sewerage system;
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the sanitary sewerage system, or other interference with the proper operation of the sanitary sewerage system; and,
- (e) Any liquid matter containing a CBOD limit of 300 mg/l.

55. No person shall drain or deposit any thing in any public sewer main, or in any pipe leading thereto, which could impair or obstruct any such sewer matter containing a toxic or poisonous substance in sufficient quantity to injure or interface with any sewage treatment process or which constitutes a hazard

to humans or animals. The Municipality may, from time to time, set limits on other toxic or poisonous substances, which may be allowed to discharge into sewage system. Waste considered to be toxic or poisonous shall include, but not be limited to, waste containing metals or chemicals such as arsenic, barium, cadmium, chloride, chromium, cyanide, iron, lead, mercury, phenols, phosphates, herbicides, pesticides, etc.

SUBDIVISIONS

56. Installation of sewerage systems for all subdivisions:

- (a) The Municipality shall not be responsible for the installation or cost incurred to the nearest property line bordering on the street or road already having sewer mains installed and being closest to the said sub-division.
- (b) However, when the sewer line passes by the property, the property owner can request that multiple laterals be installed. Once the work is complete, if the property owner decides they want changes made to the laterals, it will be at the owner's expense, per section 32.
- (c) Specifications for sewerage layout shall be submitted by the sub-divider for approval of the Council or such person as may be authorized by Council, before issuing a permit.
- (d) All work and materials shall be subject to the inspection and approval of the Municipal Maintenance Department before covering.
- (e) Upon completion and approval by the Municipal Maintenance Department, the system shall be considered part of the Municipal sewerage system for operation and maintenance purposes, the cost of which shall be borne by the Municipality.
- (f) All property owners shall be subject to existing rates and regulations pertaining to other property owners in the Municipality, which shall include any future adjustments or changes.

SEWER CHARGES

57. The Council, by annual resolution, shall establish flat rate sewer charges for each of the following classes of users:

i. Domestic Use:

For each dwelling unit in a house, multiple-unit building, or other dwelling and for each mobile home or trailer;

ii. Commercial Use:

For each building or portion thereof, used or occupied as a hotel, motel, boarding house, rooming house, store office, laundry, or other commercial, educational, or professional purpose, and churches, light manufacturing establishments and Dominion and Provincial Government buildings;

iii. Industrial or Special Use Rates:

For hospitals, industrial, heavy manufacturing, and transportation establishments and other large users.

58. The rates for each user within each of the classes specified herein shall be established uniformly on a user basis.

59. The Council, by annual resolution and subject to this by-law, shall prescribe the terms and conditions of payment of the sewer charges established pursuant hereto, including the times of payment, discounts for prompt payment, prepayment, and installment payments and without limiting the generality of the foregoing, such resolution may require that the charges be paid quarterly, semi-annually, or on some other periodic basis notwithstanding that the charges may be expressed in terms of an annual amount.

60. The owner of land serviced by the sanitary sewerage system and upon which a building is situated:

- (a) shall pay or cause to be paid to the Village the annual sewer user-charge applicable to the building as established by the annual resolution of the Council pursuant hereto, and in the manner and on the terms prescribed by such resolution; and
- (b) is liable for all such sewer charges together with penalties levied thereon, pursuant to section 30 hereof, whether the building is occupied by the owner or their tenants and whether or not the building is connected to the sanitary sewerage system, provided that the owner shall not be liable for any charges levied with respect to a building which is not connected to the sanitary sewerage system until the Village has first given them a notice pursuant to section 20 hereof, requiring them to connect the building to sanitary sewerage system and they have failed to comply with such notice for a period of at least ninety (90) days.

61. Voluntary Disconnection from Sewer System

- a) Notwithstanding any other provision of this by-law, the owner of a property with a building situated thereon may apply in writing to the Village for a voluntary disconnection from the sanitary sewerage system, using the "Application for Service & Permit" form set forth in Schedule "A" annexed to this By-law, provided that:
 - a. The building is unoccupied
 - b. No wastewater or sewage shall be discharged from the property
- b) Upon approval of the application and payment of a one-time disconnection fee of **\$750**, the Municipality shall install a disconnection valve at the owner's expense.
- c) Following installation of the disconnection valve and confirmation that the property remains vacant and disconnected, the property shall no longer be subject to the future annual sewer user charges established under this by-law.

- d) The owner shall notify the Municipality immediately if the building becomes occupied or if there is any intention to reconnect to the sewer system. In such cases, the owner shall be responsible for all applicable reconnection fees and user charges from the date of occupancy or use.
- e) Any unauthorized reconnection or discharge of sewer following disconnection shall be deemed a contravention of this by-law.

62. Where any sewer charges or any part thereof levied pursuant to this by-law remain unpaid, the Clerk shall add thereto a penalty for non-payment at the rate of two per cent (2%) per month calculated from the date the same became payable until paid.

63. Where a property owner or the owner's designate fails to pay the annual sewerage rate, as imposed by Council, and in accordance with this by-law, the Council may, in addition to the penalty stated in section 62, place a registered lien with the courts against the property as provided for in section 117(9) of the *Local Governance Act* and where legal action has been required, the cost of this legal action will be added to the unpaid balance.

64. Where a property owner or the owner's designate fails to pay the annual service rate imposed by the Council in accordance with this by-law, the Council may, in addition as stated in 61 and 62, discontinue service through a duly adopted motion of Council and where services have been discontinued, service will not be reconnected until all arrears are paid including cost of legal action and all costs involved with discontinuing of service and reconnecting the service.

ENFORCEMENT AND PENALTIES

65. A person who has been served with a notice given pursuant to this by-law and who fails to comply with the terms thereof or violates or fails to comply with any provision of this by-law is guilty of an offence and liable, upon summary conviction, to a fine of not less than three thousand dollars (\$3000.00). Violations may include, but are not limited to reconnecting, tampering, modifying valving, piping or interfering with sewage lines.

66. For sewerage users that have not made regular payments or have failed to make any payments, the following steps will be taken:

- i. Notice of Past Due payment, stating that payment is required immediately, and the service is subject to disconnection if payment is not made.
- ii. Failure to comply with step one will result in a Notice of Disconnection, stating that the service will be disconnected if payment is not made by a specified date.
- iii. Failure to comply with step two will result in a notice being posted on the premises, in a conspicuous place, indicating the service is being disconnected.
- iv. Once the final disconnection notice has been given, and the property has been disconnected at a cost of \$750.00 to the owner, a lien will be placed on the property for

all back sewage non-payments, and an additional \$400.00 fee will be charged to cover the cost of the lien.

- v. Notification to Department of Health regarding lack of proper sewerage facilities.
- vi. Any re-connection will only be made after all sewerage charges, interest, court costs, disconnection and reconnection costs are paid.
- vii. Disconnection costs will be \$750.00 and re-connection costs will be another \$525.00.

EFFECTIVE DATE AND REPEAL

67. This by-law shall come into force on the date it is passed, signed and sealed.

68. By-Law No. 6 entitled "**A BY-LAW OF THE MUNICIPALITY OF GRAND LAKE RESPECTING THE SANITARY SEWERAGE SYSTEM, SEPTIC TANKS AND SEWER CHARGES**" enacted on June 28, 2023 and all amendments thereto, is hereby repealed and of no further force and effect.

69.

Made and Passed

FIRST READING:

SECOND READING:

THIRD READING AND ENACTED:

Signed and Sealed

Kevin Nicklin, MAYOR

Andrea Mazerolle, CLERK