

VILLAGE OF CHIPMAN  
BY-LAW NO. 79

A BY-LAW RESPECTING THE SANITARY  
SEWERAGE SYSTEM AND SEPTIC TANKS AND SEWER CHARGES

BE IT ENACTED by the Mayor and Councillors of the Village of Chipman as follows:

WHEREAS the Village is empowered to provide sewerage services to the residents of the Village of Chipman and it is further empowered by the Municipalities Act to compel the owners of buildings to connect up with a sanitary sewerage systems so provided:

AND WHEREAS a sanitary sewerage system is provided in certain areas of the Village;

THEREFORE be it enacted by the Mayor and Councillors of the Village of Chipman as follows:

1. In this by-law

- (a) "building" includes a mobile home and any trailer used for purposes for which buildings are ordinarily used;
- (b) "building sewer" means a sewer pipe leading from a building to a sewer main or lateral;
- (c) "Clerk" means the clerk of the Village of Chipman;
- (d) "Council" means the council of the Village of Chipman;
- (e) "dwelling unit" means a room or suite of two or more rooms used, designed or intended to be used by an individual or family in which culinary and sanitary facilities are provided for the exclusive use of such individual or family;
- (f) "lateral" means the extension from a sewer main to the boundary line of land adjacent to the sewer main;
- (g) "natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water;
- (h) "owner" means
  - (1) the person in whose name a parcel of land upon which a building is situated is assessed under the Assessment Act of New Brunswick and includes the executors, administrators and assigns of such person; and
  - (2) where a parcel of land is not assessed under the Assessment Act, the owner thereof or of any building situated thereon;

- (i) "sanitary sewerage system" means a system of two or more interconnected sewer mains having one or more common discharge outlets and includes laterals and necessary pumping plants, force mains, siphons, other like works, treatment works and sewerage disposal plants;
- (j) "Village" means the Village of Chipman

#### SANITARY SEWERAGE SYSTEM

- 2. (1) Where a sanitary sewerage system is made available by the Village in any part of the Village, the Village shall operate and maintain the sanitary sewerage system.
- (2) The Council shall appoint and employ such officers and employees as it deems necessary from time to time for the efficient and continuous operation of the requirements of this by-law.
- (3) The Council may administer, supervise and control the construction, operation and maintenance of the sanitary sewerage system and the Council may delegate any administrative or supervisory functions or duties to a committee or to one or more officers or employees.
- (4) The Council shall cause to be made and maintained:
  - (a) plans of the sanitary sewerage system showing the location, depth, material, size, shape, thickness and construction thereof and all additions and alterations thereto from time to time; and
  - (b) a record of all work done in connection with the sanitary sewerage system showing the cost of labour and materials for each job and system required for the efficient and continuous operation and maintenance of the sanitary sewerage system.
- (5) The Village shall construct, install and maintain laterals leading from the sewer mains to the boundary line of land which abuts or is adjacent to the sewer main or a street or other public place of right-of-way where there is a sewer main.

#### OWNER REQUIRED TO CONNECT UP WITH SANITARY SEWERAGE SYSTEM

- 3. (1) Where a building is situated on land to which a lateral has been installed, the owner of the land shall construct, install and maintain a building sewer connecting the building with the sanitary sewerage system in accordance with the provisions of this by-law.
- (2) All costs and expenses incident to the construction, installation and connection of the building sewer to the lateral and of the maintenance of the building sewer shall be borne by the owner.
- (3) The owner shall be responsible for cleaning a stopped-up building sewer.

PERMIT REQUIRED

4. (1) No person shall uncover, make any connections with or openings into, extension of, addition to, use of, or otherwise alter or disturb the sanitary sewerage system without first having obtained written permission from the Council or its authorized agent.
- (2) Any permission granted under this by-law may be suspended or revoked by the Council, if in the opinion of the Council the sewerage facility approved by such permit is not being installed or maintained in compliance with the provisions of this by-law.
5. No person shall connect a building sewer servicing a manufacturing or industrial plant with the sanitary sewerage system unless the owner thereof has met any special requirements of the Council.
6. (1) Before the construction or replacement of a building sewer and connecting it with the sanitary sewerage system, the owner of the land on which the building is situated, or his agent, shall;
  - (a) file with the Clerk an application for a building sewer in Form A hereto annexed or in such other form as may be approved by the Council;
  - (b) pay to the Clerk for the Village the sum of \$1.00, provided, however, that no sum shall be payable with respect to an application for a building sewer which is filed with the Clerk prior to the 31<sup>st</sup> day of August, 1975; and
  - (c) received the written permission of the Council or its authorized agent.
- (2) The owner or his agent shall notify the Council or its agent when the building sewer is ready for inspection and connection to the sanitary sewerage system.
- (3) No connection to the sanitary sewerage system shall be made except under the direct and personal supervision of a person duly authorized by Council in the behalf.
7. (1) A building sewer shall include all apparatus and appliances necessary to ensure the proper functioning of the building sewer and to ensure proper sanitary and health conditions in and about the building connected to the sanitary sewerage system.
- (2) Without limiting the generality of subsection (1) hereof, the owner shall, at his/her expense, install a "backflow protector" or similar apparatus in the connection of the building to the sanitary sewerage system necessary to insure the proper functioning of the connection and to prevent flooding, and such back-water valve or similar apparatus shall be of a type and quality and installed in a manner satisfactory to the Council or its authorized agent.
8. 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.

9. The pipe used in a building sewer shall be:
  - (a) of a diameter of not less than four (4) inches,
  - (b) made of cast iron, or polyvinyl chloride,
  - (c) tightly sealed,
  - (d) laid at a slope of not less than one-eighth (1/8) inch per linear foot, and
  - (e) placed at a sufficient depth within the ground or otherwise sufficiently secured to ensure that it is protected from frost and other hazards under conditions.
  
10. (1) 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 or 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 Village or to the proper functioning of the sewerage connection or to prevent flooding, may, by resolution, instruct the Clerk to serve a notice upon such owner instructing him to comply with the provisions of this by-law.
  - (2) Such notice shall specify what is to be done by the owner and the time in which the work is to be done.
  
11. The notice provided for in section 10 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 affected under Clause (a) and (b).

#### PROHIBITED MATERIALS AND SUBSTANCES

12. (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run off, or cellar drainage into any sanitary sewerage system.
  - (2) 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.
  
13. No person shall discharge or cause to be discharged any of the following into any 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 wastes having a corrosive property capable of causing damage or hazard to structures, equipment, and 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.

#### SEWER CHARGES

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

(a) Domestic Use:

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

(b) 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;

(c) Industrial or Special Use Rates:

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

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

15. 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.

16. 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 14 hereof, whether the building is occupied by himself or his 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 him a notice pursuant to section 10 hereof, requiring him to connect the building to sanitary sewerage system and he has failed to comply with such notice for a period of at least thirty (30) days.

17. (a) Where any sewer charges or any part thereof levied pursuant to this by-law remain unpaid for a period of thirty (30) days after the same become payable, the Clerk shall add thereto a penalty for non-payment at the rate of two percent (2%) per month calculated from the date the same become payable until paid.

(b) 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 as stated in 17(a) place a registered lien with the courts against the property as provided for in section 189(10) of the Municipalities Act and where legal action has been required, the cost of this legal action will be added to the unpaid balance.

(c) Where a property owner or the owner's designate fails to pay two (2) annual service rates imposed by the Council in accordance with this by-law, the Council may, in addition as stated in 17 (a) and 17 (b) 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.

18. Upon application of the owner, the Clerk may, with the approval of the Council, grant a refund of sewer charges in whole or part for any just cause relating to the non-use of the sanitary sewerage system.

#### SEPTIC TANKS

19. (1) Where a building is situated on land not served by the sanitary sewerage system as provided in subsection (1) of section 3, 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.

(2) Where an owner fails to comply with subsection (1) the Council, if it is deemed necessary or desirable to the maintenance of healthful and sanitary conditions in the Village, may, by resolution, instruct the Clerk to serve a notice upon such owner requiring him to comply with subsection (1).

- (3) Such notice shall specify what is to be done by the owner and the time in which it is to be done, provided that the owner shall not be given more than fifteen (15) days to comply with subsection (1).
  - (4) Any notice given pursuant to subsection (2) may be served in the manner provided in section 11.
20. (1) 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 as is Form B.
  - (2) 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.
21. Section 10 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 he has obtained all necessary consents, approvals, or permits required by the said Act and Regulations and requests and obtains the written permission of the Council or its authorized agent.


#### GENERAL


22. No person shall be entitled to damages or to a refund of any payment for stoppage or interruption of the sanitary sewerage system or any building sewer caused by accident, frost or for the purpose of making additions or repairs thereto or for any purpose which in the opinion of the Council is necessary or desirable, nor for failure of an owner to install a backflow protector or similar apparatus as required by this by-law.
23. The Council or any person authorized by it may at any reasonable hour enter upon any land for the purpose of executing duties respecting installation, maintenance, repair, or replacement of the sanitary sewerage system or for the purpose of inspecting the building sewer or the building drain or to make such other inspections as are necessary to ensure compliance with this by-law.

#### ENFORCEMENT AND PENALTIES

24. (a) 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 One Hundred Dollars (\$100.00) per day and not more than One Thousand Dollars (\$1000).
- (b) For sewerage users that have not made regular payments or have failed to make any payments, the following steps will be taken:
  - (1) Judgement (lien on the property)
  - (2) Failure to comply with step one will result in a notice of disconnection.
  - (3) Disconnection (\$500.00 disconnection fee)

- (4) Notification to Department of Health regarding lack of proper sewerage facilities.
  - (5) Any re-connection will only be made after all sewerage charges, interest, court costs, disconnection and reconnection costs are paid.
- (c) Disconnection costs will be \$500.00 and re-connection costs will be another \$500.00.

  
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Mayor

  
\_\_\_\_\_  
Clerk

FIRST READING: May 5, 2016

SECOND READING: May 5, 2016

THIRD READING  
AND PASSED: July 4, 2016