

MEMORANDUM

TO: Council

FROM: Justin Waugh-Cress, P.Eng.

DATE: April 07, 2020

RE: Public Sewer and Local Improvement By-Law

The revised Public Sewer By-Law and Local Improvement By-Law are submitted for Council's discussion and first reading.

At the March 4, 2020 meeting Council discussed the establishment of a Local Improvement Charge and potentially a contribution from the general rate to fund the annual capital debt servicing costs of the Parrsboro Wastewater System.

Staff have prepared a draft revision to the Local Improvement By-Law for Council's review and discussion. The section of this by-law specific to the Parrsboro Wastewater System is Schedule "A" 3. This section has been completed utilizing the option of funding 50% of the annual capital debt servicing costs as discussed at the April 1, 2020 Council meeting.

Staff have also prepared a revised draft of the Public Sewer By-Law. After public consultation on the previous draft of this by-law Council directed staff to research and provide options for a "Metered Sewer Service Charge". Sections 14 and 15 have been added to the draft by-law to provide for this.

Section 15 (5) can be modified to allow for quarterly billing of the "Metered Sewer Service Charge" at Council's direction.

5.3

Public Sewers By-Law

Part I - General

Title

1. This By-Law may be cited as the "Public Sewers By-Law for the Municipality of the County of Cumberland" and shall apply to the Municipality of Cumberland.

Definitions

2. In this By-Law, unless the context otherwise requires, the expression:
 - (a) "biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized, expressed in milligrams per litre, in the biochemical oxidation of matter within a one hundred and twenty hour period at a temperature of twenty degrees centigrade as determined in procedures set forth in "Standard Methods";
 - (b) "building" means any dwelling, house, shop, store, office, or any building which would require sewerage services;
 - (c) "building service connection" means a piping system that conveys sewage, from a property to a municipal sewer;
 - (d) "chemical oxygen demand" or "COD" means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure, expressed in milligrams per litre, according to "Standard Methods";
 - (e) "chief administrative officer" means the chief administrative officer of the Municipality.
 - (f) "clerk" means the clerk for the Municipality.
 - (g) "colour of liquid" means the appearance of a liquid from which the suspended solids have been removed;
 - (h) "combined Sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
 - (i) "council" means the elected Council of the Municipality;
 - (j) "domestic waste" means waste derived principally from dwellings;
 - (k) "effluent" means treated wastewater flowing out of a treatment plant;
 - (l) "engineer" means the Municipal Engineer of the Municipality and includes a person acting under the supervision and direction of the engineer;
 - (m) "fixed-roof overnight accommodation" means a building, buildings on the same lot, or part thereof used to accommodate the travelling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals, with or without on-site administration, and with or without private cooking facilities, and may include,

- but is not limited to, hotels, motels, cottage or cabin rentals, and short-term house or apartment rentals.
- (n) “frontage” means the length of the property line that runs parallel to the portion of street, right of way, or highway housing the sewer main;
 - (o) “grease” means total oil and grease extracted from aqueous solution or suspension according to the laboratory procedures set forth in “Standard Methods”, and includes, but is not limited to, hydrocarbons, esters, oils, fats, waxes and high molecular fatty acids;
 - (p) “holding tank” means a closed watertight receptacle that is designed and used to receive and store sewage prior to collection by a septic tank cleaner for disposal at an approved off-site location;
 - (q) “industrial premises” means an area of land with or without buildings or structures on which activities pertaining to industry, manufacturing, commerce, trade, business or institutions are carried out as distinguished from dwellings;
 - (r) “inspector” means a person authorized by the Municipality to carry out observations and inspections and to take samples as prescribed by this By-Law;**
 - (s) “lot” means a parcel of land described in a valid deed, recorded at the Registry of Deeds, or as shown on an approved final plan of subdivision, or recorded at the Registry of Deeds.**
 - (t) “matter” includes any solid, liquid, or gas;
 - (u) “municipal sewer” means a sewer controlled by the Municipality;
 - (v) “municipality” means the Municipality or the area contained within its municipal boundaries, as the context requires;
 - (w) “natural outlet” means any outlet from a natural watercourse into another watercourse, pond, ditch, lake, or other body of surface or ground water;
 - (x) “on-site sewage disposal system” means
 - (i) a septic tank and a disposal field,
 - (ii) a holding tank,
 - (iii) a privy, or
 - (iv) a system, other than one described in sub clauses (i), (ii) or (iii), that meets specifications established or adopted by Nova Scotia Environment and is not directly connected to a municipal system or an approved central sewage collection and treatment system, but does not include a wastewater treatment facility;
 - (y) “owner” includes a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of any lot or building; and in case of the absence or incapacity of the person having title to the lot or building a trustee, an executor, an administrator, a guardian, an agent, a mortgagee in possession, or any other persons having the care or control of the lot or building and in absence of proof to the contrary, the person assessed for the property;

- (z) "pathologic waste" means waste generated in a hospital or similar institution which contains human or animal tissue altered or affected by disease, and instruments or other materials which may have come in contact with such tissue;
- (aa) "person" means any individual, firm, company, association, society, corporation or group;
- (bb) "pH" means the measure of the intensity of the acid or alkaline condition of a solution determined by the hydrogen ion concentration of the solution in accordance with the "Standard Methods";
- (cc) "phenolic compounds" means hydroxyl derivatives of benzene and its condensed nuclei, concentrations of which shall be determined by "Standard Methods";
- (dd) "private wastewater facility" means a wastewater facility that is privately owned and serving two or more lots;
- (ee) "professional engineer" means a person who through specialized education, training and experience is skilled in the principles and practice of engineering: and is a member in good standing of the Association of Professional Engineers of NS.
- (ff) "provincial regulations" means the requirements and provisions of the Province of Nova Scotia contained in any Provincial Statute or in any Regulation or Order made pursuant to the authority of any Statute of Nova Scotia;
- (gg) "public sewer" means a sewer which is owned and maintained by the Municipality;
- (hh) "sanitary sewer" means a sewer receiving sewage and to which storm, surface, or groundwater is not intentionally admitted;
- (ii) "sewage" means the combination of liquid and water-carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present;**
- (jj) "sewer" and "sewer works" means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, clearwater sewers, storm drains and combined sewers vested in, or under the control of, the Municipality;
- (kk) "standard methods for the examination of water and wastewater" (herein referred to as "Standard Methods") means the analytical and examination procedures provided in the edition, current at the time of testing, published jointly by the American Public Health Association and the American Water Works Association or any publication by or under the authority of the Canadian Standards Association deemed appropriate by the Municipality;
- (ll) "storm sewer" means a sewer that carries stormwater, excluding sewage;
- (mm) "stormwater" means water from precipitation of all kinds, and includes water from the melting of snow and ice, groundwater discharge and surface runoff water;
- (nn) "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge or square and includes the curbs, gutters, culverts and retaining walls in connection therewith;

- (oo) "suspended solids" means insoluble matter than can be removed by filtration through a standard glass fibre filter as provided by "Standard Methods";
- (pp) "uncontaminated water" means any water, including water from a public or private water works, to which no matter has been added as a consequence of its use, or to modify its use, by any person, and may include cooling water;
- (qq) "waste" means any material discharged into wastewater facility;
- (rr) "wastewater" means any liquid waste containing animal, vegetable, mineral, or chemical matter in solution or suspension carried from any premises;
- (ss) "wastewater facility" means the structures, pipes, devices, equipment, processes or other things used, or intended to be used, for the collection, transportation, pumping or treatment of sewage and disposal of effluent, which are operated by the Municipality;**
- (tt) "water utility" means any water utility or public water supply system operated by the Municipality;
- (uu) "watercourse" means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water and the water therein, and any channel, ditch, reservoir, drain, land drainage works or other man-made surface feature intended to convey or contain water, whether it contains or conveys water or not; and
- (vv) "year" means the fiscal year of the Municipality.

Notification

3. For the purposes of this By-Law, any notice or communication required to be given to a property Owner shall be deemed to be adequately and properly given if mailed by regular mail to the address appearing on the current assessment roll of the Municipality, if delivered by hand to that address, and in the case of the Inspector, Engineer, or Municipality, if mailed by regular mail to, or if delivered by hand to the Municipal Clerk of the Municipality at the offices of the Municipality.

Any notice or communication sent by regular mail shall be deemed to have been received seven days after having been mailed.

Appeals

4. To appeal any portion of this by-law the owner must apply in writing to the Municipal Engineer stating the nature of the appeal. The Clerk shall fix a date for the hearing of the Appeal by Council. The hearing of the Appeal shall be as timely and informal as circumstances permit.

Inspection

5. For the purpose of the administration of this By-Law, pursuant to Section 503 of the Municipal Government Act, the Inspector may, upon production of their identification, enter any industrial premises and have free unimpaired access, to observe, to measure the flow of wastewater to any sewer and to collect any samples required at reasonable times.

Pretreatment

6. Where pre-treatment or flow equalizing is required for any wastewater, storm water, or water, they shall be maintained continuously and satisfactorily in effective operation by the Owner at their expense.

Damage To Facilities

7. No person shall break, damage, destroy, deface or tamper or allow the breaking, damaging, destroying, defacing or tampering with:
- (a) any part of the wastewater facility or sewer; or
 - (b) any permanent or temporary device installed in the wastewater facility or sewer for the purpose of pumping, measuring, sampling and testing of wastewater.

Work On Facilities

8. No work shall be carried out on any sewer or wastewater facility other than by the authority of the Engineer.

Closing Private Sewers or Drains

9. The Engineer has the power to stop any private sewer or drain from discharging into the wastewater facilities if it is discharging any substances prohibited by this By-law or which are liable to injure the sewers or obstruct the flow of sewage. The engineer shall not cause any sewer to be closed up pursuant to this sub-section unless the Owner of the sewer is first notified and given seven days to remedy the situation unless deemed urgent by the engineer.

Offences

10. Any person who contravenes any section of this By-law is liable on conviction to a fine of not less than \$100.00 and not more than \$10,000.00 and in default of payment to imprisonment for a term of not more than one year.

Part II - Sewer Charges

Sewer Service Charge

11. Every Owner of land:
- (a) on which any building is connected to a wastewater facility;
 - (b) that fronts on any street or highway in which a sewer is situate;
 - (c) that fronts on any right of way in which a sewer is situate;
 - (d) that fronts on any right of way which connects to a street or highway in which a sewer is situate; or
 - (e) on which a building is situated that council has ordered connected to a wastewater facility;

shall pay to the Municipality an annual "Sewer Service Charge" for the provision of central sewer service which will cover the cost of construction, operation and maintenance of all wastewater facilities owned and operated by the Municipality. The Sewer Service Charge shall be collected as an "Area Rate" as described in the Municipal Government Act.

User Unit Value

12. (1) The Municipality shall assign a User Unit Value to every lot of land
- (a) on which any building is connected to a wastewater facilities;
 - (b) that fronts on any street or highway in which a sewer is situated;
 - (c) that fronts on any right of way in which a sewer is situated;

- (d) that fronts on any right of way which connects to a street or highway in which a sewer is situate; or
 - (e) on which a building is situated that council has ordered connected to a wastewater facility as outlined in Schedule "A"
- (2) The User Unit Value assigned to a lot by the Engineer pursuant this to section may be appealed to Council within 30 days of notice.
- (3) Appeals regarding user unit value shall be retroactive for a maximum of 12 months from the date of notice, unless the owner can demonstrate the error or negligence of the Municipality.
- (4) The User Unit Value assigned a lot by the Engineer pursuant this section may be reviewed as deemed necessary by the Engineer and/or as usage of said lot changes.
- (5) Lot Owners shall be notified in writing of any changes in assigned User Unit Values.
- (6) All lots situated at the termination of a wastewater facility shall be assigned the same user unit value as if the wastewater facility were to pass in front of the lot for the entire length, provided that in no case shall any such lot be assessed for a greater length of frontage than 21.3 meters beyond the termination of the sewer measured along the side of the highway, street, or lane from a point directly opposite the termination of the sewer.
- (7) Any corner lot where a wastewater facility changes direction from one street to another, or where a sewer is to be constructed in both streets shall be entitled to a deduction in frontage length equal to the frontage of the smaller side up to a maximum of 22.9 meters in length.
- (8) Where the Owner is dissatisfied with the frontage applied to the property to which the Sewer Service Charge shall apply, the Owner shall have the frontage determined by a Nova Scotia land surveyor, and the certificate of the land surveyor, shall determine the length of frontage for the purpose of this by-law.
- (8) Where a lot upon which a building has been constructed has more than 61 meters of frontage, that lot shall be subject to an additional sewer service charge calculated as if that portion of the frontage in excess of 61 meters were a lot upon which no building has been constructed.

Calculation of Uniform Sewer Charges

13. The Municipality shall annually calculate the Sewer Service Charge for the provision of centralized sewer service by wastewater facilities owned and operated by the Municipality. The total annual budgeted costs for the facility or facilities will be equally cost shared by the total number of equivalent user units using said facility or facilities. Equivalent User Units are set out in Schedule "A" of this By-Law.

Metered Sewer Service Charge

14. The Municipality may levy the Sewer Service Charge as a metered charged based on the total annual metered consumption of the water utility serving that area. Metered Sewer Service Charge may be established by Council in areas where more than 90% of the users have metered water service from a water utility operated by the Municipality.

Calculation of Metered Sewer Service Charge

15. The Municipality shall annually calculate the Metered Sewer Service Charge by dividing the total annual cost, or a portion thereof, of the sewer system, including capital repayment costs, by the estimated total annual metered consumption of the Water Utility.
- (1) Every owner of property who is a user of the Water Utility shall pay a Metered Sewer Service Charge based on the amount of water consumed on that property.
 - (2) Every owner of property who is a user of a non-metered connection, shall pay a Sewer Service Charge based on a user unit value assigned per Section 12.
 - (3) Every owner of property who is a non-user of the Water Utility but is a user of the sewer system shall pay a Sewer Service Charge on a user unit value assigned per Section 12.
 - (4) There will be no exemption from the Sewer Service Charge for water metered and used in production premises, swimming pools, irrigation, or in any other manner, although such water is not discharged into wastewater facilities.
 - (5) Vacant properties in the area levied a Metered Sewer Service Charge shall pay a flat rate sewer charge. This rate shall be established annually.

Capital Charges

16. No portion of the capital construction cost of a new system or an extension of an existing system will be funded by existing system reserves. Any portions of a new system not funded by government, County Council or other funding agency shall be charged to the new system's users in the form of an area rate or local improvement charge and shall be in addition to the Uniform Sewer Charges upon completion.

Exemptions

17. (1) Any lot of land that fronts on any street or highway in which a sewer is situated, or that fronts on a right of way which connects to such a street or highway, is not liable to pay the sewer service charge if the Engineer certifies that the size, dimensions, or topography of a property are such that a building or structure could not be built or developed on it due to the provisions of any pertinent legislation.
- (2) A decision of the Engineer pursuant to this section may be appealed to Council within 30 days of notice.
 - (3) The property occupied as a cemetery shall be exempt from the payment of a sewer service charge.
 - (4) Where any land is assessed as "Resource Property as shown on the Tax Roll for the current year, it shall be exempt from the payment of the sewer service charge.
 - (5) A lot upon which no building has been constructed which has less than the minimum area for a lot served by wastewater facility, or a lot served by both sewer and water as required by the Land Use By-law for development for residential or commercial purposes, is exempt from the sewer service charge.

Initiation of Charges

18. (1) Sewer service charges shall be levied on the Owners of all properties liable to pay the same commencing in the year following the year in which a sewer has been installed.
- (2) For the purposes of this By-Law, a sewer has been installed when the Engineer has certified to the Council that the facility or project of which the sewer forms part is

substantially complete.

- (3) The Engineer shall forward a notice to each person who would be liable for the payment of a sewer service charge, that a sewer has been installed.

Collection

19. (1) The sewer service charge shall be billed annually in conjunction with annual municipal taxes.
- (2) The sewer service charge, if not paid by due date, shall bear interest at the same rate as charged on unpaid taxes.

Liens

20. (1) The sewer service charge is a lien on the property in the same manner and with the same effect as rates and taxes under the Assessment Act.
- (2) The sewer service charge and interest may be sued for and collected in the same manner as other rates and taxes.
- (3) Land is liable to be sold for unpaid sewer service charges the same and with the same effect as for unpaid rates and taxes pursuant to the Assessment Act.

Sewer Connection

21. (1) Any land Owner connecting to municipal sewer, where a building service connection is not constructed to the property line, shall pay a flat connection fee as established by policy. Upon the installation of the building service connection by the Municipality, the user unit value, as prescribed in section 12, shall be assigned to the property the following and subsequent fiscal years, as if the property were developed, regardless of whether or the property is developed or not.
- (2) The Municipality shall be responsible for any part of a building service connection that is in a public street, highway or sewer easement.
- (3) In lieu of the Municipality installing the building service connection the Owner of a property may contract these services privately provided the following conditions are met:
 - (a) the Owner executes a letter of undertaking associated with the work that includes the above conditions and additional site-specific conditions as may be required by the Engineer.
 - (b) the Owner obtains a "[Work Within Highway Right-of-Way Permit](#)" from the Nova Scotia Transportation and Infrastructure Renewal and provides a copy to the Engineer;
 - (c) the Contractor conducts all work in accordance with the Nova Scotia Transportation and Infrastructure Renewal, Nova Scotia Environment, Canadian Plumbing Code, Standard Specifications for Municipal Services, this By-Law, and good engineering practices;
 - (d) the Owner pays a flat inspection fee to the Municipality for the cost of inspection services as established by policy
 - (e) the Contractor gives one week written notice to the Engineer prior to the installation;
 - (f) the Owner indemnifies the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building service connection;

- (g) the Contractor does not cover any portion of the installation without approval of the Engineer or their appointed representative;
- (h) the Contractor completes all work within 14 days of the installation. The Municipality, at the Owner's expense, will conduct work not completed within this time frame as well as any work found to be unsatisfactory to the Engineer these costs will be collected in the same manner as taxes and may form a lien on the property.

Subdivisions

22. Any proposed extension of wastewater facility to service a subdivision shall comply with the requirements of the Subdivision By-Law of the Municipality.

Part III - Sewer Construction and Connections

Construction of Municipal Sewers

23. (1) Whenever the majority of the Owners of property in any designated area of the Municipality petition the Council for the construction of a public sewer, the Council may order the sewer to be constructed.
- (2) Every petition for a public sewer shall be in a form acceptable to the Engineer which clearly states the location in which the new sewer is requested, and the name, civic address, mailing address, email and phone number of each petitioner.
- (3) When the Council deems it necessary that a wastewater facility be acquired or constructed in the Municipality the Council may order this construction by resolution. This resolution may be made without the authorization of any petition of the owners.
- (4) The Council may by resolution order the repair or improvement of sewers existing in any area of the Municipality and perform any other work necessary to complete the repair or improvement.

Connection Requirement

24. (1) The Owner of a building which is not more than 61 meters from the right-of-way in which a sanitary sewer is constructed shall be required at the Owners expense to construct and connect a building service connection to the sewer. the Engineer may exempt any such building that:
- (a) appears to be adequately served with an existing on-site sewage disposal system that has been approved by Nova Scotia Environment; or
 - (b) would not be adequately served by connection to the wastewater facility.
- (2) The Council shall not require an Owner to connect to a public sewer until service from the sewer has been available to the property for one year.
- (3) The Engineer may give notice in writing to an Owner of a building that may be served by a sewer, requiring that Owner to connect the building to the public sewer within a specified time period.
- (4) Upon receipt of a notice from the Engineer requiring a connection, the Owner shall, within the specified time period, connect the building to the public sewer by a building service connection.
- (5) The Engineer may require, as a part of the work necessary for compliance, the

installation of a suitable toilet and its connection to a public sewer.

Connection Specifications

25. Every person connecting to a public sewer shall construct the service connection according to requirements of the National Building and Plumbing Codes, Standard Specifications for the Installation of Municipal Services, Nova Scotia Environment, Nova Scotia Transportation and Infrastructure Renewal and the Municipality's policy respecting Building Service Connection Standards and Specifications.

Service Connection

26. (1) No person shall uncover, make any connection with or opening into, repair, use, alter or disturb any public sewer without first obtaining written permission from the Engineer.
- (2) No person shall connect any private sewer or building sewer to a municipal sewer or modify any existing connection without first filing with the Engineer the Municipality's "Application to Construct or Modify a Building Service Connection" and obtaining permission to do so. See Appendix B. The application shall be supplemented by any plans, specifications, and other information as is deemed necessary by an Engineer and in accordance with good engineering practices.
- (3) No connection to a municipal sewer shall be made except under the supervision of the Engineer.
- (4) Existing building service connections may be used in connection with new buildings only when they are found, on examination and test by the Engineer to meet all the requirements of this By-Law.
- (5) The Engineer, at their discretion, may require an Owner to either repair, reconstruct or replace a building service connection, if, in their opinion, it has failed or malfunctioned, or is in danger of doing so.
- (6) If in the opinion of the Municipal Engineer a building service connection is not laid, built and connected with the public sewer or any other work in connection with the building service connection is not done in accordance to the Application to Connect, the Engineer shall, in writing, notify the Owner of the property served by the building service connection specifying in what particulars the work is unsatisfactory. If the Owner fails to perform the work to the satisfaction of the Engineer within seven days from the receipt of the notice, the Engineer may perform the necessary work at the Owner's expense which may be collected in the same manner as taxes.
- (7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which the building service connection is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by a means designed by a Professional Engineer, and discharged to the sewer service connection at no expense to the Municipality.
- (8) A separate and independent building service connection shall be provided for every building lot. Multiple buildings may utilize a common building service connection if all the following conditions are met:
- (a) Prior to installation, the owner must submit a scaled site plan including: property boundaries, easements, proposed and existing building locations, driveway(s), and other topographical features of the lot relevant to the installation as well as the

- proposed building service connection arrangement, proposed pipe sizes, slopes and connection details.
- (b) All buildings utilizing a common building service connection are located in whole on a single building lot.
 - (c) Provisions have been made, that are satisfactory to the Engineer, to prevent backflow conditions in the buildings utilizing a common building service connection.
 - (d) Provisions have been made, that are satisfactory to the Engineer, to allow for mechanical cleaning of the common building service connection.
 - (e) For each building the owner must submit detailed "fixture unit" calculations as described in the current edition of the Canadian Plumbing Code for each building in a form acceptable to the Engineer.
 - (f) The owner is responsible for all repairs and maintenance of the entire building service connection up to the public right of way.
 - (g) All charges as described in this By-Law shall apply to all buildings utilizing a common building service connection as if each building had an independent building service connection.
- (9) Prior to subdividing a lot where two or more existing buildings utilize a common building service connection, the Owner must install separate and independent building service connections for each proposed lot on which an existing building is located, and must acquire and record easements in compliance with Section 26 (13) below for any portions of the building service connections not within the same lot as the building they service.
- (10) All excavation within the public right-of-way shall meet all regulations and specifications of the Nova Scotia Transportation and Infrastructure Renewal, applicable to the Municipality.
- (11) The person for whom an application has been approved, or his authorized agent or successor, shall notify the Engineer when the subject sewer service connection is ready for inspection and connection to the public sewer.
- (12) The inspection shall be made within 7 days of the receipt of notice per sub section 26 (3). No portion of the works shall be covered until authorized by the Engineer. If any portion is not in compliance with this By-Law, a notice shall be given to the Owner, and all the above provisions respecting period of notice, time limit for inspection, operation of the building service connection, burial of underground works, and correction of unsatisfactory works shall be thereby renewed.
- (13) Where a building service connection is not to be installed in whole on a single building lot or is installed in a right of way, the owner of that building lot shall obtain and record at the Land Registry Office a legal easement to allow for the installation and maintenance of the proposed building service connection prior to its installation. A copy of this easement must be filed with the Engineer prior to commencing the installation.
- (14) If work is not complete or in compliance with this By-Law when a scheduled inspection is conducted, the owner shall be charged a re-inspection fee as established by policy for each additional inspection.

27. (1) 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, in which any portion of the connection which requires repairs is located, to complete the repairs within a specified time.
- (2) Where the repairs required are not completed by the Owner within the time specified, the Engineer may perform the necessary work at the Owner's expense which may be collected in the same manner as taxes and form a lien on the property.
- (3) In the event an existing building service connection is blocked the Owner of the property will employ a plumber to assess and attempt to clear the blockage. If the plumber determines the blockage is within the public right of way the Owner shall notify the Municipality of the blockage including measurements indicating the approximate location of the blockage. If the blockage exists within the public right-of-way, the Municipality will attempt to clear the blockage as per section 27 (4)&(5).
- (4) The Municipality works department will only respond to a blockage within the public right-of-way of building service connections during regular business hours of the Municipality with the following exceptions:
- (a) a sewer serving, a hospital, police station, school or other publicly owned facility where a failure of the sanitary sewer poses an immediate and significant hardship for the occupants.
- (5) In the event that the blockage cannot be cleared by the plumber as per section 27 (3) and is the result of a construction deficiency within the public right of way, the Municipality will reimburse the owner the costs associated with employing the qualified person upon submission of an invoice and proof of payment up to a maximum of \$250.00.

Storm Sewage

28. No person shall connect any storm sewer to any sanitary sewer.

Disconnection

29. (1) No person shall disconnect any private sewer or building sewer from a municipal sewer without first filing an Application to Disconnect from a public sewer with the Engineer for the Municipality and obtaining permission to do so. Whenever any building service connection is abandoned, the Owner shall effectively cap the connection at the property line so as to prevent sewage from backing up into the soil, or solid materials being washed into the sewer. See Appendix C
- (2) The capping must be inspected and a certificate of approval be issued by the Engineer before it is covered.
- (3) Where the Owner covers in a capped sewer connection before it is inspected and a certificate of approval issued, the Engineer may open it for the purpose of inspection. If the work is not in compliance with this By-Law, a notice shall be given to the Owner in respect of the unsatisfactory portion, and all of the above provisions respecting period of notice, time limit for inspection, operation of the building service disconnection, burial of underground works, and correction of unsatisfactory works shall be renewed.
- (4) If the Owner does not effectively cap a sewer service connection as required per section 29 (1) within seven (7) days from receipt of a notice from the Engineer the work shall be

completed by the Municipality at the owners expense.

- (5) When the owner of a building intends to change the use of the building and where the new use would not require sewer services (eg. storage building) the following steps are required:
- (a) obtain approval for the change in usage including a development permit from the Municipality;
 - (b) remove all plumbing fixtures and waste piping from the building; and
 - (c) follow the procedure set out in section 28 above for disconnection of the building service connection a minimum 1.2 meters outside the foundation of the building.

Liability

30. The Owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be caused by the installation of the building service connection.

Part IV - Sewer Discharge

Discharges to Combined and/or Sanitary Sewers:

31. (1) Except as otherwise provided in this By-Law, no person shall discharge, release, suffer or cause to be discharged into any sanitary sewer, combined sewer, public or private connections to any sanitary sewer or combined sewer any of the following:
- (a) No person shall Discharge into a Wastewater System, Wastewater which causes or may cause:
 - i. a health or safety hazard;
 - ii. obstructions or restrictions to the flow in the Wastewater System;
 - iii. an offensive odour to emanate from the Wastewater System, including with respect to Wastewater containing hydrogen sulphide, mercaptans, carbon disulphide, other reduced sulphur compounds, amines, or ammonia in such quantity that may cause an offensive odour;
 - iv. damage to a Wastewater System;
 - v. interference with the operation and maintenance of the Wastewater System;
 - vi. a restriction of the beneficial use of Biosolids from the Commission's Wastewater System;
 - vii. effluent from the Commission's Wastewater System to be in violation of any Provincial or Federal Acts or Regulations;
 - viii. capacity or hydraulic impacts which may interfere with the operation of the Wastewater System.
 - (b) No person shall Discharge, into the Wastewater System, one or more of the following:
 - i. Combustible Liquids;
 - ii. Fuel;
 - iii. Hauled Waste or Leachate, except with the prior written approval of the Commission;
 - iv. Ignitable Waste including but not limited to, flammable liquids, solids, or gases, capable of causing or contributing to an explosion or supporting combustion in the Wastewater System;
 - v. detergents, surface-active agents or other substances that may cause excessive foaming in the Wastewater System;
 - vi. dyes or colouring materials which pass through the Wastewater System and

- discolour the Wastewater infrastructure or effluent;
- vii. Pathological Waste in any quantity;
- viii. PCBs;
- ix. Pesticides;
- x. Reactive Waste;
- xi. Waste Radioactive Substances, including naturally occurring radioactive material (NORM), in excess of concentrations greater than those specified for Release to the environment under the *Nuclear Safety and Control Act* and Regulations made thereunder, each as amended from time to time;
- xii. Hazardous Waste;
- xiii. Extraneous Water or Wastewater without the prior written approval of the Commission;
 - (i) animal offal;
 - (ii) seawater;
- (c) punch manure or intestinal contents from horses, cattle, sheep or swine, hog bristles, pig hooves or toenails, animal intestines or stomach casings, bones, hides or parts thereof, manure of any kind, poultry entrails, heads, feet or feathers, eggshells, fleshing and hair resulting from tanning operations;
- (d) animal fat or flesh in particles larger than will pass through a 6 millimeter screen;
- (e) sewage containing pathological or medical wastes;
- (f) the contents of septic tanks, holding tanks or wastes from marine vessels or vehicles;
- (g) sewage that has any corrosive property that could be hazardous to structures, equipment or personnel;
- (h) inflammable or explosive matter; and without limiting the generality of the foregoing, gasoline, benzene, naphtha or fuel oil or wastewater containing any of these in any quantity;
- (i) No person shall Discharge into the Wastewater System, Wastewater with any one or more of the following characteristics:
 - i. a pH less than 5.5 or greater than 9.5;
 - ii. two or more separate liquid layers;
 - iii. a temperature greater than 65 degrees Celsius.
- (j) wastewater containing dyes or colouring materials which pass through a wastewater facility and discolour the wastewater facility effluent;
- (k) wastewater containing any of the following in excess of the indicated concentrations:

(I)

Limits for Discharge to Wastewater System

Parameter	Milligrams Per Litre
Aluminum, Total	50
Antimony, Total	5
Arsenic, Total	1
Barium, Total	5
Benzene	0.01
Beryllium, Total	5
Biochemical Oxygen Demand	300
Bismuth, Total	5
Cadmium, Total	0.7
Chemical Oxygen Demand	600
Chloride	1500
Chloroform	0.05
Chromium, Total	2
Cobalt, Total	5
Copper, Total	1
Cyanide, Total	2
1,2 - Dichlorobenzene	0.05
1,4 - Dichlorobenzene	0.08
cis -1,2 - Dichloroethylene	4.0
Parameter	Milligrams Per Litre
trans -1,3 - Dichloropropylene	0.15
Ethylbenzene	0.06
Fluoride	10
Iron, Total	50
Lead, Total	1
Manganese, Total	5
Mercury, Total	0.01
Methylene chloride	0.2
Molybdenum, Total	5
Nickel, Total	2
Oil & Grease - mineral or synthetic in origin (TPH)	15
Oil & Grease - animal or vegetable in origin	100
Phenolic Compounds (4AAP)	1
Phosphorus, Total	10
Selenium, Total	1
Silver, Total	2
Sulphates Expressed as SO ₄	1500
Suspended Solids, Total	300
Sulphide (as H ₂ S)	1.0
1,1,2,2 - Tetrachloroethane	0.5
1,1,2,2 - Tetrachloroethylene	0.5
Tin, Total	5
Titanium, Total	5

Toluene	0.01
Total Kjeldahl Nitrogen	100
Trichloroethylene	0.5
Vanadium, Total	5
Xylene, Total	0.3
Zinc, Total	2

* Refer to section 63(2) for pH limit

**A reference to "Total" in this table denotes total concentrations of all forms of the metal and ion including both particulate and dissolved species.

- (m) wastewater containing more than one hundred (100) milligrams per litre of fat, grease, or oil, and, in the case of mineral oils, in concentrations exceeding fifteen (15) milligrams per litre;
 - (n) any wastewater or constituent within that results in inhibitory or damaging chemical reactions within the collection, transmission, or treatment facility.
 - (o) radioactive materials except as may be permitted under the Atomic Energy Control Act, RSC 1952, Chapter 11 (or the most recent Act) and amendments thereto and regulations thereunder; or
 - (p) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulphate).
 - (q) No person shall dilute Wastewater in order to become compliant with these Regulations, without the prior written approval of the Commission.
 - (r) No person shall Discharge Uncontaminated Water into the Wastewater System without the prior written approval of the Commission.
- (2) Without limiting any of the foregoing, no person shall discharge or cause to be discharged any waters or wastes containing substances which are not amenable to treatment or reduction of the sewage by treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirement of the agencies having jurisdiction over discharge to the receiving waters.
- (3) No person shall dilute wastewater to achieve compliance with this By-Law.
- (4) No person shall discharge or cause to be discharged any sanitary sewage to any storm sewer.
- (5) No person shall injure, break, block or remove any portion of a wastewater facility or its appurtenances.
- (6) Where pre-treatment or flow equalizing facility are provided for any waters or wastes, they shall be maintained continuously and satisfactorily in effective operation by the Owner at their expense.

Discharges to Storm Sewers

32. Except as otherwise provided in this By-Law, no person shall discharge, release, place or cause to be placed, any substance other than stormwater or uncontaminated water into a storm sewer.

Discharges from Sewers

33. It shall be unlawful to discharge to any outlet within the Municipality, or in any area under the

jurisdiction of the said Municipality, any sanitary or storm sewage except where suitable treatment has been provided in accordance with the provisions of this By-Law and NS Environment requirements.

Prohibition

34. No person shall:

1. Permit stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water or industrial process waters to be discharged into a sanitary sewer;
2. Connect a sump pump to a sanitary sewer;
3. Permit any contents of a septic tank, holding tank or cesspit to be discharged into a municipal sewer.

Special Agreements

35. Notwithstanding any provisions in this By-Law, the Municipality may enter into a special written agreement with any industrial or commercial concern or institution whereby an industrial or institutional waste of unusual strength, volume, or character may be discharged to a wastewater facility, subject to payment therefore, and any other terms and conditions satisfactory to the Municipality.

Offences

36. The presence in wastewater of each of the matters in sections 29, 30, 32 and 33 in a concentration in excess of its limits constitutes a separate offence.

Requirement for Interceptors

37. (1) The Engineer may require an Owner of land that is connected to wastewater facility or a stormwater system of the Municipality to provide grease, oil and sand interceptors.
- (2) All interceptors shall be of a type and capacity designed by a Professional 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 gastight and watertight.
- (4) Where the interceptors required are not provided by the Owner within the time referred to in the notice, the Engineer may perform the necessary work at the Owner's expense which may be collected in the same manner as taxes and form a lien on the property.
- (5) Operation and maintenance of any interceptor is the responsibility of the Owner of the property they service. Where interceptors are not properly operated and maintained the Engineer may cause the interceptors to be operated or maintained appropriately. The Engineer may perform the necessary work at the Owner's expense which may be collected in the same manner as taxes and form a lien on the property.

Sampling and Analysis

38. (1) If required by the Engineer, the Owner of the industrial premises with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable manhole to allow observation and sampling of the wastewater and measurement of the flow of wastewater therein, provided that where installation of a manhole is not possible, an alternative device or facility may be substituted with the written approval of the Engineer.

- (2) The manhole or alternate device shall be located on the property of the Owner of the premises, unless the Engineer has given written approval for a different location.
- (3) Every manhole, device or facility installed as required by section 38 (1) shall be designed by a Professional Engineer and the requirements of the Engineer, and shall be constructed and maintained by the Owner of the premises at their expense.
- (4) The Owner or operator of industrial premises shall at all times ensure that every manhole, device or facility installed as required by section 38 (1) is at all times accessible for purposes of observing and sampling the wastewater and measuring the flow of wastewater therein.
- (5) Where a sample is required for the purpose of determining the characteristics or contents of the wastewater, uncontaminated water or stormwater which is suspected to be out of compliance with this By-Law:
 - (a) one sample alone is sufficient and, without limiting the generality of the foregoing the sample shall be a composite sample, may contain additives for its preservation and may be collected manually or by using an automatic sampling device in accordance with standard methods;
 - (b) except as otherwise specifically provided in this By-Law, all tests, measurements, analyses and examinations of wastewater, uncontaminated water and stormwater, shall be carried out in accordance with Standard Methods by a certified accredited lab; and
 - (c) for each of the metals whose concentration is limited in this By-Law the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.
- (6) When the Engineer believes that the strength or composition of wastewater from any industrial or commercial source is not adequately documented, may have changed, or may be in violation of this By-Law, the Engineer may conduct any sampling and analysis reasonably necessary to establish the characteristics of the wastewater, and all costs associated with the sampling and analysis shall be charged to the owner, may be collected in the same manner as taxes and from a line on the property
- (7) . The Inspector may from time to time conduct such tests as are deemed necessary at the manhole, or may enter the industrial premises and conduct the tests as deemed necessary to determine the characteristics and concentration of the effluent being discharged into the wastewater facility or storm sewer system.

Method of Sampling

39. Samples should be collected by standard methods and performed by a certified lab.

Spills

40. (1) Every person who discharges or deposits or causes or permits the discharge or deposit of any matter in any sewer that in nature or quantity is not in the ordinary course of events, shall forthwith notify the Municipality and Nova Scotia Environment per Section (69) of the Environment Act;
- (2) For any of the discharges or deposits in section 40 (1) for which the person is required to forthwith notify the Municipality, the notification shall include the following information:

- (a) name of the person and the address of the location of the spill;
 - (b) name of person reporting the spill and telephone number where that person can be reached;
 - (c) time of the spill;
 - (d) type and volume of material discharged and any associated hazards; and
 - (e) corrective actions being taken to control the spill.
- (3) Within five days following a spill, the person shall submit to the Municipality a detailed written report describing the cause of the spill and the actions taken or to be taken to prevent a recurrence.

Reports

41. (1) Any person who deposits, intends to deposit or permits or intends to permit the deposit of any wastes except domestic wastes into a sanitary or combined sewer shall file a Waste Survey Report with the Engineer.
- (2) The Waste Survey Report shall contain the following information and shall be signed by an authorized representative of the Owner:
- (a) name and address of the premises, and names of its Owner;
 - (b) description of process operations, including waste discharge rates and contaminant concentrations, hours of operation and plans and reports certified by a professional Engineer indicating proposed industrial expansion, addition, new construction, or proposed pre-treatment works; and
 - (c) a schematic process diagram indicating waste discharge points and waste descriptions.
- (3) The Waste Survey Report shall be a form approved by the Engineer.
- (4) Where a change occurs in the information contained in a Waste Survey Report, the Owner of the premises shall submit and describe the new information within 30 days of the change.
- (5) No person shall deposit any wastes other than domestic waste in any sanitary sewer or combined sewer until:
- (a) the Engineer has confirmed that the wastes will comply with the requirements of this By-Law and;
 - (b) A Waste Survey Report has been filled with the Engineer and;
 - (c) the Waste Survey Report is accepted, in writing, by the Engineering

Repeal

42. All former sewer By-Laws of the Municipality of the County of Cumberland, Town of Springhill and the Town of Parrsboro are hereby repealed.

Schedule A

Type of Use	Unit Value	Additional Use	Additional Units
Single Family Dwelling	1	for private swimming pool add	1
		for each Doctor or Dentist office in private home add	

		for each beauty shop or barber shop in private home add	
Mobile Home	1	for private swimming pool add for each Doctor or Dentist office in private home add for each beauty shop or barber shop in private home add	1
Multi-Unit Building , Apartment, Row House, flat (per unit)	1	With swimming pool.	1
Semi-Detached and accessory dwelling (per unit)	1		
Rooming house, Boarding House, Convent, Institutional dormitory (up to 5 beds)	1	each additional bed	0.2
Hospitals and homes with medical care facilities	1	without laundry facilities per bed add with laundry facilities per bed add	0.5 0.75
Institutional Care other than hospital	1.5	For each food establishment add For each five (5) beds or fraction thereof add	1 1
Schools per classroom without cafeteria or gym per class room	1	with cafeteria or gym per classroom add with both cafeteria and gym per classroom add	0.5 1
Fixed roof overnight accommodations	1	For each guest room add With Swimming Pool	0.5 1
Restaurants, etc., are additional to above listing and are rated in accordance with this schedule.			
Commercial Campground and Trailer Parks	1.5	For each twenty (20) camp sites or fraction thereof add	1
Stores, banks, clubs, recreational facilities, barbershops, doctor's office, dentist's office, and places of business including industrial premises.	1	Each additional washroom facility	0.5
Cafeterias, etc., are in addition to above listing and are rated in accordance with this Schedule			
Churches, church halls, community halls	1		
Buildings owned by fraternal organizations	1		

Fire halls and fire stations	1		
Laundromat	1.5	for each machine add	0.2
Service Station	2	for each carwash bay	1
Restaurants, Snack Bars and Cafeterias	1	for each ten seats add	0.2
Licensed Restaurant, Lounge, Dining Room, or club	1	for each five seats add	0.2
Drive-in restaurant or Theatre with canteen	1	for each additional washroom facility	0.5
For each of the above types of users, for every 21.3 meters, or portion thereof, of street, right-of-way, or highway frontage in excess of 21.3 meters.	0.1		
Vacant Land, For each 21.3 meters, or portion thereof, of street, right-of-way, or highway frontage	0.1		

Heavy commercial and industrial users and any other type of consumer not specifically provide for above, shall be subject to submission of design calculations for approval and to flow measurement and sampling to establish a unit value basis recognizing hydraulic and biological loading, and the Engineer shall assign the unit rating, which may be appealed to Council as provided in section 4 of this By-law.

Appendix B

Municipality of the County of Cumberland
Application to Construct or Modify a Building Service Connection

Name of Applicant: _____

Date: _____

Municipal Account Number _____

Civic Address: _____

Mailing Address: _____

Postal Code: _____

Telephone: _____

Home _____

Work _____

Name of Contractor: _____

Type of building being connected: _____

New Installation ☐

Repairs to existing installations ☐

I agree to the following conditions:

1. I will install/repair only a domestic sewage drain.
2. That the building service connection will be installed/repared in accordance to the Municipality of the County of Cumberland's Sewer Connection By-law.
3. I will not cover this installation until written permission has been granted by the Engineer.
4. I will not cause the Municipality of Cumberland County to be held liable for **third party damages** in relation to this construction.

I _____ hereby make application to construct a sewer service connection or
(signature of owner or agent)
make repair thereto of which shall be serviced by the _____ central sewer
(village name)
system and have read, understand and agree to the above conditions.

Note: Applications for Industrial/ institutional connections must be submitted with completed copy of the Municipality's "Waste Survey Report".

John Burbine, Supervisor of Public Works
1395 Blair Lake Road,
Upper Nappan, NS B4H 3Y4
(902) 667-2215

Appendix C

The Municipality of the County of Cumberland

Application to Disconnect from a Public Sewer

Name of Applicant: _____

Date: _____

Civic Address: _____

Mailing Address: _____

Postal Code: _____

Telephone: _____

Home

Work _____

Name of Contractor: _____

Telephone: _____

Type of building be disconnected: _____

Reason for Disconnection: _____

Tax Account Number: _____

1. I agree to terminate my existing Building Services Connection at the property line with an SDR 35 "gasketed" cap. (The property line is 33' from the centerline of any public roadway under which a public sewer is in existence, except for Pugwash Village where it is 24' from the centerline.)
2. I will not cover the point of termination until written permission has been granted. (No tax assessment will be altered if the excavation is backfilled without written permission.)

I, _____ hereby make application to disconnect my premises from the
(Signature of Owner or Agent)

_____ central sewer system and have read and understand the above conditions.
(Village Name)

John Burbine
Supervisor of Public Works
1395 Blair Lake Road, RR 6
Amherst, NS B4H 3Y4
(902) 667-2215

For Office Use Only:

Amended Tax Assessment Code: _____

Date of Amendment: _____

Approval of Inspector: _____