

BY-LAW NO. W-1

**A BY-LAW RELATING TO THE WATER AND SEWER SYSTEMS
IN THE TOWN OF NACKAWIC**

BE IT ENACTED by the Council of the Town of Nackawic as follows:

1. Definitions

In this by-law,

"Back water valve" means a valve in that portion of the homeowner's plumbing system known as the building drain, which is installed downstream of any connection and which is intended to prevent reverse flow from a public sewer into the sewer portion of the building plumbing system.

"Branch sewer" means an installation not owned by the Town and used or designed for the purposes of collecting and discharging sewage from premises into the sewage system of the Town.

"Building sewer" or "sanitary sewer service connection" means a pipe that is connected to a building drain one (1) metre outside a wall of a building and that leads to a public sewer or private sewage disposal system.

"Building storm sewer" or "storm sewer service connection" means the extension from the building storm drain to the storm sewer main.

"Clerk" means the Clerk of the Town duly appointed by Council under the authority of the *Municipalities Act*.

"Committee" means the Public Works Committee of Council.

"Council" means the Mayor and Councillors of the Town of Nackawic.

"Cross connection" means a connection or a potential connection between any part of a potable water system and any other environment containing other substances in a manner, which, under any circumstances, could allow such substances to enter the potable water system.

"CSA" means Canadian Standards Association.

"Customer water system" means a water system owned by a person other than the Town but which receives water from the Town water system.

"Lateral" means the same as "building sewer".

"Owner" means any person, firm or corporation controlling the property under consideration.

"Private water system" means a water system owned by a person other than the Town of Nackawic but which receives water from the Town water system.

"Public Works Foreman" means the person appointed by the Council to oversee the construction, design, repair and maintenance of the water and sewer systems.

"Sewer system" means all of the property involved in the operation of the Town of Nackawic sewer utility, and includes land, wastewater lines and appurtenances, pumping stations, treatment works, and general property.

"Town" means the Town of Nackawic.

"Waste water" means spent or used water, which contains dissolved and suspended matter.

"Water" and "water supply" means the water supplied to consumers for the purposes herein specified.

"Water service pipe" or "water service connection" means the pipe from the water main to the building served.

"Water system" means all of the property involved in the operation of the Town of Nackawic water utility, including land, wells, water lines and appurtenances, treatment plants, reservoirs, pumping stations, and general property.

2. Public Works Foreman

2.01 The Public Works Foreman shall have the administration, supervision and control of the water and sewer systems, subject to the approval of the Council.

2.02 The Council may appoint such officers and employees as from time to time are deemed necessary for the efficient and continuous operation of the water and sewer systems.

2.03 Subject to the direction of the Council, the Public Works Foreman shall have general supervision of the construction, operation, and maintenance of the water system and sewer system.

2.04 The Public Works Foreman shall cause to be made appropriate plans of the water and sewer systems of the Town, including preparation of plans and specifications for the construction of new water and sewer lines, the upgrading of existing lines, and the preparation of tender packages for water and sewer construction.

3. Water Supply

3.01 Furnishing Water

(a) Water shall not be supplied from the water system to any customer's water system unless such system and related plumbing is approved by the Public Works Foreman, and is protected from frost.

(b) No connections shall be made to the water system for the purpose of taking water there from except under the direct supervision of the Public Works Foreman.

(c) The water supply shall be furnished for domestic and fire protection purposes within the Town, Town purposes, and industrial purposes.

(d) Water shall not be furnished for any purpose other than domestic and fire protection purposes when in the opinion of the Public Works Foreman the quality or efficiency of the water supply for domestic and fire protection purposes within the Town would be thereby impaired.

(e) The Public Works Foreman may, subject to the foregoing limitations, furnish water for purposes other than domestic and fire protection purposes under an agreement in writing that the water supply may be discontinued temporarily or permanently by the Public Works Foreman.

3.02 No owner whose premises are served by the water system shall use any alternate source of water supply without consent of the Town Council.

3.03 No person shall allow an alternate source of water supply to be connected to the water system.

3.04 Proper Installation

(a) Where a customer's water system is found to have been installed in a non-workable manner or in a manner insufficiently strong to resist the pressure to which it may be subjected or where water service pipes are not sufficiently protected from frost or where a person supplied with water has violated any provision of this by-law, the Public Works Foreman may direct that the water supply be discontinued until such customer's water system is properly installed and approved and the person supplied has complied with the provisions of this by-law.

(b) Where a customer's water system requires a pressure-reducing valve to control excess pressures, such valve and its installation shall be the responsibility of the owner.

3.05 Substances Entering Water System

(a) No owner or other person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, could allow water, waste water, or any other substance to enter the Town's water system.

(b) If a condition is found to exist which in the opinion of the Public Works Foreman is contrary to subsection 3.05(a) hereof, the Public Works Foreman may either:

- (i) shut off the service or services, or
- (ii) give notice to the customer to correct the fault within a specified period.

(c) Any building zoned other than residential, shall be responsible for the installation of a back flow prevention valve on the main water service into such building.

3.06 Water Meters

(a) Unless otherwise authorized by the Public Works Foreman the water supply to any premises may be measured by a water meter.

(b) Every owner shall provide a place for a water meter suitably located within the building at or near the point of entry of the water service pipe and on the customer side of the shut-off valve. The owner shall assure that the meter remains accessible so that it can be easily changed, serviced or read and will not be exposed to freezing temperatures.

(c) Where the premises of a customer are of such a nature that a meter cannot be properly installed in a building, or if the building is not sufficiently frost proof as to guarantee the safety of the meter, the Public Works Foreman may order the construction of an approved frost proof chamber in which the meter can be installed.

(d) No person shall remove or in any way interfere with any water meter affixed to a water service of the Town without approval of the Public Works Foreman.

(e) All water meters installed by the Town or for the Town are and shall remain the property of the Town.

(e) Every owner whose water supply is metered shall be liable for any damage to, or loss of the meter resulting from any cause other than damage covered by the Town.

3.07 No person being an owner, tenant, or occupant of any house, building or other place within the Town supplied with water by the Town shall, without permission of the Public Works Foreman:

- (i) lend or sell the water,
- (ii) give water away or permit it to be taken or carried,
- (iii) use or apply it to the use or benefit of any other person.

3.08 Cost

Whether a residential, commercial or industrial property, the owner shall be responsible for the actual cost and installation for water connection from the property line to the building.

4. Sewer System

No extensions shall be made to the sewerage system along any of the streets of the Town, or elsewhere, at the public expense without the authority of the Town Council.

4.01 The owner of any premises may file with the Town Manager an for the construction or replacing of a building sewer or building storm sewer and the connection thereof with the appropriate sewer main.

4.02 No person shall make a connection to a sewer system, storm sewer or land drainage works until the owner has demonstrated to the satisfaction of the Public Works Foreman that the effluent from his or her premises will conform to the requirements set forth in Bylaw No. W-3, A Bylaw Regulating the Discharge of Water or Wastewater Into Drains, Storm and Sanitary Sewer Systems.

4.03 A building sewer or building storm sewer shall be constructed only of such material and of such dimensions and specifications and laid at such grade and in such manner as the Public Works Foreman shall direct.

4.04 No owner or occupier of any premises shall permit drainage from the perimeter drain or roof thereof to flow directly or indirectly to the sewer system.

4.05 The owner of any building situated upon land abutting a street or public place wherein there is a sewer main or water main, shall install in such building, connections with such sewer main and water main and such apparatus and appliances as may be required in the opinion of the Public Works Foreman to insure the proper sanitary conditions of the premises and surrounding or adjacent properties.

4.06 The owner of any building connected by a building sewer to the sanitary sewer system shall permanently disconnect all other wastewater disposal systems upon completion of the building sewer.

4.07 Private Sewer System

The Town may grant a permit for the installation and maintenance of a private sewer system to any applicant whose property is, in the opinion of the Public Works Foreman, not so located as to be readily accessible to the sewer system, provided the owner has met all requirements of applicable laws, government regulations, and orders of the Province of New Brunswick.

4.08 Indemnity and Refunds

(a) No person shall have any cause of action against the Town for any claim for damages caused to any person or property arising from the construction, maintenance or operation of the sewer system, except damages caused by the deliberate act or misfeasance of the Town.

(b) No person shall be entitled to a refund of any payment for stoppage or interruption of the sewer system caused by accident or frost, or for the purpose of making additions or repairs to the sewer system or for any purpose, which in the opinion of the Public Works Foreman is necessary or desirable.

4.09 Cost

Whether a residential, commercial or industrial property, the owner shall be responsible for the actual cost and installation for sewer connection from the property line to the building.

5. Lateral Connections

5.01 Before connecting a private lateral to the public lateral the owner shall,

(a) submit to the Public Works Foreman an application on a form prescribed from time to time by the Council.

(b) submit a plan showing the boundaries of the property, the location of all buildings and all services emanating from the buildings to the property line, including, but not limited to, the proposed lateral, storm connections, underground wiring and water lines.

5.02 Upon receipt of the duly completed application form, the Public Works Foreman, shall determine if it is feasible to connect the lateral to the sanitary sewer and grant approval or disapproval.

5.03 No person shall install a lateral or uncover, make any connections with openings into, use, alter, or disturb a sanitary sewer without approval from the Public Works Foreman and the written authority of Council.

5.04 The owner shall be responsible for installing the lateral from the property line to the building, but the size, shape, alignment, materials of construction and the methods to

be used in the excavating, placing of the pipe, jointing, testing and backfilling shall be subject to the supervision of the Public Works Foreman.

5.05 Should a lateral be installed without approval of Council, Council may give authorization to have the lateral opened for inspection. The cost for this work constitutes the same lien on the owner's land and shall be recoverable from the owner in the same manner as user-charges payable hereunder.

5.06 The Town is not required to connect a lateral where such would be unusually costly or difficult.

5.07 Where possible, a lateral shall be brought to a building at an elevation below the basement floor and where a building drain is too low to permit gravity flow to the sewer system, sanitary sewerage carried by such building drain shall be lifted by an approved means and discharged into the sanitary sewer at the owner's expense.

5.08 The portion of the sewer lateral from the building to the property line shall be the property of the owner and the remaining portion thereof to the sanitary sewer shall be the property of the Town.

5.09 Existing laterals and private sewer systems of acceptable standard by the Town may be connected into the sewer system. Unacceptable systems shall be replaced in accordance with the provisions of this by-law.

5.10 Without approval by the Council, no more than one (1) building shall be serviced from each lateral.

5.11 The owner of a building shall,

(a) unplug, repair and maintain in good working order the lateral which services his or her building, excluding that portion of the lateral between the property line and the sanitary sewer main,

(b) indemnify the Town from any loss or damage that may be occasioned by such repair, unplugging or maintenance where such has been determined to be his or her responsibility.

6. Backflow Prevention

A person who fails to install an approved backwater valve as required by this bylaw is guilty of an offence.

6.01 No person or owner or occupant of a premises shall connect, cause to be connected, or allow to remain connected to the water system any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, may allow water, waste water or any other liquid, chemical or substance to enter the public water system or

the water system within the premises without approved backflow prevention devices being installed on the water system in and upon the premise.

6.02 All sanitary and storm sewer laterals must have an approved backwater valve installed.

6.03 The owner or occupant of a premise who is required to install backflow prevention devices shall do so at his or her own cost.

6.04 All backflow prevention devices and the methods and manner of their installation and testing shall conform to regulations made and codes or standards referenced therein.

6.05 No person shall operate a water service connection or water supply valve to provide water to a newly renovated, constructed, reconstructed premise until such premise has had installed an approved backflow prevention device.

7. GENERAL

7.01 The locations, elevations, materials and methods of installation for all public and private water and sewer mains, service pipes, and appurtenances shall be approved by the Public Works Foreman prior to their construction.

7.02 The Town shall not be liable for any damage or injury caused or done by reason of the interruption of water supply, water system operation, water pressure or its variation, drawing of a vacuum on the water system, or intermittent flow of the sewer system.

7.03 No person shall open or in any way interfere with any hydrant in the Town without approval of the Public Works Foreman, or in the case of the Fire Department uses, the Fire Chief or designate.

7.04 A water supply may be refused or discontinued at any time for,

- (i) non-payment of a water rate,
- (ii) non-payment of a sewer rental,
- (iii) non-payment of any repair or maintenance related charge,
- (iv) violation of any provision of this bylaw, or
- (v) violation of any water or wastewater agreement.

7.05 Where a water supply has been discontinued under subsection 7.04, the owner shall pay a fee as prescribed by Council from time to time, together with any amount in arrears, before such supply shall be restored.

7.06 An authorized representative of the Town may, at any reasonable hour, enter any premises in the execution of his or her duties respecting the water and sewer system for purposes of inspection, measurements, maintenance, repairs, sampling and testing.

7.07 Any permit granted pursuant to this by-law may be suspended or revoked by the Town, if in the opinion of the Public Works Foreman, the lateral or other facility authorized by the permit is not being installed or maintained in compliance with the provisions of this by-law or the conditions under which such permission was granted.

8. Enforcement

8.01 The Public Works Foreman, where he or she has reasonable grounds to believe that a person is in breach of this by-law or an agreement made pursuant to this by-law, may declare such to be a fact and notify the person of such, in writing.

8.02 Where a person is declared to be in breach of this by-law or an agreement made pursuant to this by-law and such person is notified to such effect in writing, the Town may discontinue water or waste water service provided under this by-law until the breach is remedied or the person complies with the terms and conditions of the agreement or the conditions of service.

9. Penalty Provision

A person who violates any provision of this by-law commits an offence and is liable on conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

10. Repeal Provision

10.01 Bylaw No. 24, A Bylaw Relating To Water And Sewer Systems, passed by Town Council on March 11, 1974, and amendments thereto, is hereby repealed.

10.02 The repeal of Bylaw No. 24, A Bylaw Relating To Water And Sewer Systems, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE TOWN OF
NACKAWIC ON April 19, 2004.

Robert G. Connors, Mayor

Nancy Cronkhite, Chief Administrative Officer

First Reading: April 5, 2004
Second Reading: April 19, 2004
Third Reading: April 19, 2004