

By-Law No. 23 SEWER

1. DEFINITIONS

In this By-Law, unless the context otherwise requires:

- 1.(a) "Building service connection" means any piping system which conveys sewage or liquid waste to the buildings on any property to a public sewer or to the street line;
- 1.(b) "Combined sewer" means a sewer receiving and carrying storm water, surface runoff and sewage;
- 1.(c) "Committee" means the standing committee on sewers;
- 1.(d) "Highway" includes:
 - (i) all allowances for highways made by surveyors for the Crown;
 - (ii) all highways laid out or established under the authority of any statute;
 - (iii) all roads on which public money has been expended or on which stature labour has heretobefore been performed;
 - (iv) all roads passing through Indian lands;
 - (v) all roads dedicated by the owners of the land to public use;
 - (vi) every road now opened and used as a public road or highway; and
 - (vii) all alterations and deviations of, and all bridges on or along any road or highway.
- 1.(e) "Municipality" means the Municipality of the District of Clare;
- 1.(f) "Municipal Council" means the Municipal Council for the Municipal District of Clare;
- 1.(g) "Public sewer" means a sanitary sewer owned or constructed by the Municipality;
- 1.(h) "Owner" includes a part owner, joint owner, tenant-in-common or joint tenant of the whole or of any part of any land or building, and includes a trustee, executor, administrator, guardian, agent, a mortgage in possession or any other person having care or control of any land or building in case of the absence or disability of the person having title thereto;
- 1.(i) "Property shredded garbage" means the waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sewers, with no particles greater than one-half inch in any dimension;
- 1.(j) "Private sewage disposal system" means any private system for sewage disposal serving one lot of real property.
- 1.(k) "Sanitary sewer" means a sewer receiving and carrying waterborne waste from residences, business buildings, institutions and industrial establishments, and to which storm, surface or ground waters are not intentionally admitted.

- 1.(l) "Sewage" means the combination of water carried wastes from residences, business buildings, institutions and industrial establishments containing animal, vegetable or mineral matter in suspension or solution, together with such ground, surface or storm water as may be present;
 - 1.(m) "Sewer" means a pipe or conduit for carrying sewage, storm water or surface runoff, or sewage and storm water and surface runoff, and includes all sewer drains and combined sewer services or every description vested in or under the control of the Municipality of Clare;
 - 1.(n) "Sewerage" means the structures, devices, equipment and appurtenances intended for the collection, transportation and carrying storm water and surface runoff only;
 - 1.(o) "Street" means highway.
- 2.(a) Whenever the majority of the owners of the property In any designated area of the Municipality shall petition the Municipal Council for the construction of a public sewer and shall leave with the Municipal Clerk the amount chargeable according to the provisions of this by-law to each owner whose signature Is on the petition, then the Municipal Council may, unless for sufficient reason to the contrary, order the same to be constructed, providing however that over fifty per cent of the frontage designated shall be represented by the Petitioners before the petition is considered by the Municipal Council.
 - 2.(b) Every petition for a public sewer shall be in the form in Appendix "A" of this by-law, or to the like effect, and every petition shall clearly state the locality in which the new sewer Is required and the points between which the petitioners are desirous of having the same constructed.
 - 2.(c) Such petition shall be accompanied by the sum of Twenty-Five Dollars (\$25.00) from each owner signing the aforesaid petition.
 - 2.(d) In the event that the Municipal Council orders the construction of a public sewer for which a petition has been made and submitted, such amounts shall be applied in discharge of the respective frontage charges or part thereof as hereinafter mentioned and as such charges shall respectively apply to those owners signing the Petition.
 - 2.(e) In the event that the Municipal Council does not order the construction of a public sewer for which a petition has been made and submitted, the Municipal Clerk shall refund to each respective owner whose signature is upon the petition the amount that has been paid to the Clerk by or for such owner as required by this by-law.
3. When the Municipal council deems it necessary that a public sewer be constructed in any area or any portion of the Municipality, the Council may order, by resolution and without the authorization of any petition of the owners, such public sewer to be constructed and all the provisions of the by-law relating to and requiring the use of public sewers In force in the Municipality shall be and are hereby made applicable to any public sewer constructed by virtue of such resolutions.
- 3.(a) When a public sewer becomes available to a property served by a private sewage disposal system, the owner of the property shall, upon service of a notice from the Committee requiring him to connect any buildings thereon, which are within, 100 feet of the sewer line and thirty days of the service of the notice, connect such buildings to the public sewer by a building service connection in accordance with this by-law, and he shall cause any septic tank, cesspool, privy or other private sewage disposal system of the property to be abandoned and to be filled in with suitable material. The penalty for failure to comply with a notice to connect is found In Section 203 of the Municipal Act, Revised Statutes of Nova Scotia 1967, Chapter 192, and amendments thereto.

4. The Municipal Council may by resolution order the repair or improvement of drains or sewers existing in any road, area or portion of the Municipality, whenever the same shall be considered necessary or desirable, and to layout, excavate and complete a public sewer in any area of the Municipality and perform any other work necessary to be done in connection therewith.
5. The Municipal Council shall annually appoint a standing committee and sewers. It shall be the duty of this committee to make an annual report to Municipal Council concerning the operation, construction and installation of all public sewers. The Municipal Council may refer to such committee any questions relating to the proposed installation of a public sewer in any part of the Municipality for study and report. This committee shall be responsible for the enforcement of the by-law relating to sanitary sewers. The committee shall construct and install sanitary sewers in such part or area of the Municipality as may be directed by the Municipal Council.
- 6.(1) No person, firm or corporation shall direct or permit surface water, roof water, rain water or water in the ground to a Municipality sanitary sewer unless the Municipality has designated it as a "storm" sewer.
- 6.(2) No person, firm or corporation shall make any opening or openings to uncover any public or private sewer, or make any building service connection therewith unless a permit therefore has been issued by the committee on sewers.
- 6.(3) It shall be the duty of any person, firm or corporation who constructs any private sewer or drain, while excavating, to securely protect the opening or excavation in such manner as may be directed by the Committee.
- 6.(4) No open gutter, cesspool, privy, vault, cellar, underground drain or exhaust pipe from any machine shall be connected with any public sewer.
- 6.(5) No person, firm or corporation shall permit any pipe carrying sewage or surface water to discharge into any sewer trench.
- 6.(6) No person, firm or corporation shall injure, break or remove any portion of the public sewer system or its appurtenances.
- 6.(7) No person, firm or corporation shall throw, or permit to be thrown or deposited in any public sewer opening or receptacle connected with the public sewer system any garbage, offal, dead animals, bones, ashes, cinders, rags or any other material or thing except feces, urine, the necessary toilet paper, household liquids and properly shredded garbage.
7. The cost of constructing and maintaining any public sewer in the Municipality of the District of Clare shall be determined by the committee on sewers and shall be borne and paid in the following manner;

By a frontage charge and a service charge which shall be as follows:

7.(a) FRONTAGE CHARGE

- (i) Each owner of real estate situate on either side of any highway, street or land under which the public sewer is installed, shall pay to the Municipality such annual sums of lawful money of Canada for each and every lineal foot of property fronting thereon, as contained in Appendix "C" attached to these by-laws.

- (ii) All such Frontage Charges, if remaining unpaid at the end of December in anyone year and interest thereon at the rate of Eighteen (18%) per centum per annum, may be sued for and collected in the name of the Municipality and in the same way as (and shall for the purpose of collection be deemed part of) the ordinary rates and taxes of the Municipality, provided however, that in the event of such property liable as aforesaid being sold for taxes, the Clerk shall deduct from the proceeds of such sale the full amount for which property is liable for the frontage rates, together with the interest thereon, although the whole may not have then become due and payable hereunder.
- (iii) The owner of any lands liable for frontage charges as aforesaid may, at any time, pay the full amount thereof, together with Interest thereon, to the Clerk and upon such payment, the lien for the same shall be extinguished.

7.(b) SERVICE CHARGE

Each owner of real estate situate on either side of the highway, street, or lane under which the public sewer is installed, shall pay to the Municipality an annual charge known as the sewer service charge, for the maintenance of such sewage works and the operation of any sewage treatment facilities in such amount as may be determined annually by Council of the Municipality for each unit value set out In Appendix "D" to this by-law. Council shall determine annual maintenance charge by dividing the annual maintenance cost, which includes wages, energy costs, supplies and repair cost annually by the number of units served by the sewer system. Provided always, that should a surplus or deficit occur in anyone year it shall be taken into account in computing service charge for the following year.

- 8. All properties situated at or near the upper end or termination of any such sewer shall pay the same rate as if the sewer line were to pass in front of such properties for the entire length thereof, provided that in no case shall any such property be assessed for a greater length of frontage than sixty feet (60') 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 said sewer.
- 9. Any corner property where a sewer changes direction from one street to another, or where a sewer is to be constructed In both streets shall be entitled to a deduction equal to the frontage of the smaller side of such property, providing that such smaller side does not exceed sixty feet (60') in length. In cases where this length is exceeded, a deduction equal to sixty feet (60') shall be made.
- 10. Where the owner and the Committee on sewers are unable to agree on the length of frontage to which the frontage charge shall apply, the owner shall cause the frontage to be measured by a provincial land surveyor, and the certificate of any such provincial land surveyor shall determine the length of frontage for the purpose of these by-laws.
- 11. On or before the 1st day of August in each year the Municipal Council shall notify the owner of the basis of the sewer service charges assessment to him and the account payable. Such charges shall be due and payable on or before the 31st day of December in each year.

12. Every tax or charge imposed under the provisions of this by-law shall constitute of a lien upon the real property as is provided for rates and taxes by Section 153 of Chapter 14 of the Revised Statutes of Nova Scotia, 1967, the Assessment Act, and shall be collectable on the same manner as rates and taxes on real property are collected, under the Assessment Act.
13. In the event that any property liable for sewer service charge shall be sold for non-payment of property taxes, the Municipal Clerk may deduct from the proceeds of such sale the full amount for which such property is then liable for sewer service charge although the whole may not have been then payable.
14. Every property or owner thereof is liable for the entire cost of the building service connection from his property to the street, highway or lane line.
- 15.(1) No person shall connect a building service connection, private drain or sewer with the public sewer without first obtaining a permit therefore from the sewer committee, provided however, that notwithstanding the issuance of any such permit, the person to whom any such permit is issued shall be liable for any damages or injury to the public sewer caused by him, his servants, agents or workmen in making any such connection, the permit shall be in the form Appendix "B" to this by-law.
- 15.(2) Any person desirous of connecting his property with any public sewer or of connecting it with any sewer for which the property has not been assessed frontage and service charge as aforesaid, shall be assessed the same fixed frontage charge and the same service charge as if the sewer were constructed in front of said property, providing however that in no event shall the frontage charge exceed the frontage charge that would be charged for one hundred feet (100') of frontage, and payments for the said frontage charges and service charge shall be made at the same time and in the same manner and for a like number of years as the payments in respect of the properties abutting the highway, street, or land wherein the public sewer is situated.
16. Any person requesting a permit for connecting a building service connection with the public sewer shall pay a fee of fifteen dollars (\$15.00) to the Municipality to defray the cost of making the connection with the public sewer, if such permit is applied for after December 31st, A.D., 1977.
17. Before any person constructs a building service connection, he shall apply to the sewer committee for directions as to the proper lines and grades applicable to his building service connection and the sewer committee shall, assign suitable lines and grades for any building service connection, which directions shall comply with the Canadian Plumbing Code and the National Building Code, as adopted by the Building By-Law of the Municipality.
18. The construction and installation of any building service connection shall be under the direct supervision of the committee on sewers appointed by the Municipal Council and the specifications for labour and materials under which the public sewer was constructed are to be considered as part of the specifications for any such building service connection modified, however, so as to be applicable to the building or buildings situate on the property to be served by such building service connection, and such building service connection shall be in conformity with the requirements set forth in Section 26 or this by-law.

19. All sewers and drains shall be constructed in accordance with the provisions of the Public Highways Act Revised Statutes of Nova Scotia, Chapter 248, 1967 and Amendments and Regulations thereto and shall cause as little obstruction as possible for pedestrians and vehicular traffic during installation.
20. The building service connection pipe shall have a uniform grade, when laid of not less than one-quarter of an inch to the foot.
21. All junctions in the building service connection shall be made by curved pipe.
22. No right-angle junction shall be installed in the building service connection.
23. Curved pipes shall be used in every deflection from a straight line of more than six (6") inches in three (3') feet.
24. The installation requirements necessary before connections to the public sewer is permitted are as follows:
 - 24.(a)
 - (i) Any building service connection shall, from a point three (3') feet outside of the foundation of the house or building to the street line, be of the first quality materials, the pipe having a diameter of four (4") to six (6") inches;
 - (ii) Sewer line laterals must not be less than four (4") inches in diameter of PVC series 35 or equivalent;
 - (iii) The sewer line may be laid in a common ditch with the water line but it must be buried at a lower elevation and at a minimum distance of twelve (12") inches away from the water;
 - (iv) The sewer line must be laid on a bed of tamped sand or approved fine gravel of not less than six (6") inches in depth and not backfilled until inspected and approved by the representative of the engineer;
 - (v) When backfilling is permitted a topping of not less than six (6") inches of sand or approved fine gravel must be laid over the sewer line before previously excavated backfill material is replaced into the ditch to bring it up to grade;
 - 24.(b)
 - (i) An application for a permit to make connection to the public sewer must be made by the property owner to the Committee on sewer;
 - (ii) When the permit is issued the property owner can proceed with installation of the building service connection which shall be installed according to the direction of the committee on sewer;
 - (iii) Backfilling of ditches must not be undertaken until the installation are inspected and the approval certificate received by the owner.
 - 24.(c) When drains for cellar and subsoil are laid in the same trench, the same shall consist of agricultural drain tile or other tile suitable for such purposes.
 - 24.(d) The inside of every drain, after it is laid, shall be left smooth and perfectly clean throughout its entire length.

- 25.(1) Whenever the sewer committee, considers it necessary, it shall require any person who is the owner of land which is used for industrial or commercial purposes and which is connected to a public sewer to provide grease, oil and sand interceptors in order to provide the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand or other harmful ingredients. All owners of garages, service stations, car wash operations and similar business establishments, shall provide approved types of interceptors for oil, grease, soap and similar products.
- 25.(2) All interceptors shall be of a type and capacity approved by the sewer committee, and shall be located so as to be readily and easily accesible for cleaning and inspection.
- 25.(3) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in tempperature and shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

- 26.(1) Whenever any building sewer connection is abandoned, the owner shall effectively block up the connection at the property line so as to prevent sewage from backing up into the soil, or dirt being washed into the sewer.
- 26.(2) Where the owner does not effectively block up a building sewer connection as required under the provisions of subsection (1) within seven (7) days from receipt of a notice from the sewer committee, to do so, the sewer committee may request the same to be done and the cost of such work requested to be done may be recovered as a debt by the Municipality from the owner in an action in any Court of competent jurisdiction.

27. No person shall construct a private sewage disposal system without first obtaining a written private Sewage Disposal permit from the Board of Health of the Municipality of the District of Clare.

28. No person shall use, cause to be used or permit to be used any private sewage disposal system until installation has been completed to the satisfaction of the Board of Health.

29. No person shall discharge, or cause to be discharged or permit to be discharged any contents of any septic tank or cesspit into any public sewer.

30. The Municipal Clerk of the Municipality of the District of Clare shall keep a separate account of all monies due for the construction of sewers, which account shall contain;
 - 30.(a) The names of the owner of property liable for frontage charge and the name of the sewer with respect to which such frontage charge arose;
 - 30.(b) The amount of frontage charge due with respect to each property;
 - 30.(c) The amount of frontage charge paid with respect to each property;
 - 30.(d) The Frontage Charge applicable to each owner of property liable for a frontage charge and the number of years such charge has been paid;
 - 30.(e) The amount, if any, due or assessed on the remaining frontage charge, if same is not paid immediately.

31. The effective date of any lien created hereunder shall be the first day of January following the date on which the Committee on Sewer certifies to the Municipal Council that any public sewer has been completed.
32. Where under any provision of this by-law, approval or permission of the committee on sewer is required before any work or thing may be done, and such approval is refused, an appeal shall lie to the Municipal Council from the decision refusing to grant approval or permission in accordance with Section 191, Subsection 107 of the Municipal Act, Revised Statutes of Nova Scotia 1967, Chapter 192, and amendments thereto.
33. The Committee may, where a public sewer has been constructed on the opposite side of the highway, street or lane from property abutting thereon, provide a single public connector to the public sewer to service not more than two (2) properties abutting on such highway, street or lane which said single public connector shall extend to the property line between the two properties to be so served, provided however, that where the owners of the two properties agree, the single connector may be extended to another point on either of the two properties so abutting.
34. Any person who fails to comply with any section or portion of this by-law within thirty (30) days after notice thereof has been served upon him, either personally or by registered mail addressed to the last address known to the Municipal Clerk, is guilty of an offence and liable on conviction to a penalty not exceeding Two Hundred and Fifty Dollars (\$250.00) and in default of payment to imprisonment for a period not exceeding one (1) month.

Municipal Sewer By-Law
PETITION

**APPENDIX "A"
PETITION**

**To Municipal Council of the Municipal
District of Clare in the County of Digby**

THE UNDERSIGNED, the majority of the ratepayers residing in the area of _____ in the County of Digby, as of the District of Clare, in the County of Digby, to construct a sewer within the said area.

ALSO the description of the public road or portion of the public road upon which the sewer is requested to be constructed is as follows:

ALSO each of the owners of property fronting on this said portion of the public highway at _____ in the District of Clare, and subscribing their names on this Petition, respectively tender the sum of Twenty-Five Dollars (\$25.00) as required by Section 2 (c) of the capital cost of Sewer Construction By-Law of the District of Clare.

NAMES OF PROPERTY OWNERS:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

APPENDIX "B"
APPLICATION TO
THE MUNICIPALITY OF THE DISTRICT OF CLARE
FOR PERMIT TO

INSTALL water and/or sewer line laterals from main trunk line(s) on _____ (street/road/highway).

I/WE _____ ADDRESS _____

_____ Digby County, Nova Scotia, hereby request permission to connect water and/or sewer lateral line(s) from the main(s) and extending to the existing structure, owned by the applicant(s) and erected on my/our property, defined as follows: STURCTURE

_____ erected on the parcel of land _____ x _____ feet,

having _____ feet frontage on _____

(street/road/highway) listed as Roll No. _____ on the evaluation roll of the Municipality of the District of Clare, in the County of Digby and Province of Nova Scotia, for the years _____ .

Installation and connection will be made by _____ at my/our personal expense and in accordance with specifications and regulations stipulated by the Municipality.

APPLICATION made this _____ day of _____, 197__ .

Signed by _____ Address _____

APPLICATION APPROVED BY _____

Inspection of connections and installations made and certificate of approval given this _____ day of _____ 197__ .

SIGNED BY _____

APPENDIX "C"

In accordance with By-Law 7 (a) the following are the frontage charge per lineal foot:

1982 - .6814
1983 - .6583
1984 - .6351
1985 - .6120
1986 - .5889
1987 - .5658
1988 - .5421
1989 - .5184
1990 - .4947
1991 - .4710
1992 - .2271
1993 - .2271
1994 - .2271
1995 - .2271
1996 - .2271

In the alternative each owner of real estate referred to in By-Law 7 (a) may pay for the current year 1982 one lump sum payment of \$4.10 per lineal foot referred to in said By-Law, and thereafter should any owner who does not pay one lump sum payment in 1982, any owner may do so in any future year receiving such credit as the Clerk of the Municipality shall determine for previous annual payments.

**APPENDIX “D”
SCHEDULE OF USER FEES, SANITARY SEWAGE SYSTEM
MUNICIPALITY FOR THE DISTRICT OF CLARE**

TYPE OF CONSUMER	UNIT VALUE
Single family dwelling	1.0
Mobile home	1.0
- for each Doctor or Dentist office in private home add	1.0
- for each beauty shop or barber shop in private home add	1.0
Individual apartment	1.0
Senior Citizens home, per unit	1.0
Rooming House, Boarding House, Convent, Institutional dormitory up to five beds	1.0
Hospitals and homes with medical care facilities with laundry facilities per bed	0.15
Schools per classroom without cafeteria or gym per classroom	2.0
Schools per classroom with both cafeteria and gym per classroom	2.0
Doctor, Dentist Office, Beauty Shop or Barber Shop	1.0
Tourist Home with one bathroom	1.0
- for each additional bathroom	0.3
Hotels, Motels and Tourist Cottages	
- year round operating, per unit	0.5
- seasonal operating, per unit	0.25
Restaurants etc. are additional to above listing and are rated in accordance with this schedule	
Stores, banks, clubs, recreational facilities	1.0
Industrial Premises (10 employees)	1.0
Churches, church halls	1.0
Laundromat, for each machine	1.0
Service Station	1.0
Restaurants, Snack Bars and Cafeterias	1.0
Premises licensed by Nova Scotia Liquor Commission Restaurant, Lounge, Dining Room or Club	1.0
Drive-in restaurant or Theatre with canteen	1.0
Funeral Home	2.0
Fire Halls	2.0