

**MUNICIPALITY OF THE
DISTRICT OF ARGYLE**

**By-Law No. 29
SEWER**

Village of West Pubnico

BEING A BY-LAW regulating the use of municipal and private sewers, private sewage disposal, the installation and connection of building sewers and the discharge of waters and wastes into the West Pubnico Municipal Sewer System providing penalties for violations thereof.

PART 1 - DEFINITIONS

1. In this By-law, unless the context otherwise requires, the expression:

- (a) **“Back Water Valve”** means a device or a method that prevents backflow.
- (b) **“Building”** means any dwelling, house, shop, store, office or any building which would require sewerage services;
- (c) **“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";
- (d) **“Chief Administrative Officer”** or **“CAO”** means the Chief Administrative Officer for the Municipality of the District of Argyle;
- (e) **“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";
- (f) **“Colour of liquid”** means the appearance of a liquid from which the suspended solids have been removed;
- (g) **“Committee”** shall mean the West Pubnico Sewer Committee of the Municipality of Argyle, or such other Committee of Council and shall be given responsibility for sewer services in West Pubnico by the Municipality of the District of Argyle from time to time.
- (h) **“Council”** means the Municipal Council of the District of Argyle;
- (i) **“Domestic Waste”** means waste derived principally from dwellings;

- (j) **“Effluent”** means treated wastewater flowing out of a treatment plant;
- (k) **“Engineer”** means the Engineer of the Municipality of the District of Argyle duly designated by the Chief Administrative Officer of the Municipality and includes a person acting under the supervision and direction of the engineer;
- (l) **“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;
- (m) **“Industrial Premises”** means an area of land with or without buildings or structures;
- (n) **“Inspector”** means a person authorized by the Municipality of the District of Argyle to carry out observations and inspections as prescribed by this By-law;
- (o) **“Matter”** includes any solid, liquid, or gas;
- (p) **“Municipality”** means the Municipality of the District of Argyle;
- (q) **“Municipal Sewer”** means a sewer controlled by the Municipality in the village of West Pubnico;
- (r) **“Natural Outlet”** is any outlet from a natural watercourse into another watercourse, pond, ditch or lake, or other body of surface or groundwater;
- (s) **“Owner”** means a the owner, part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, an administrator, a guardian, an agent, a mortgagee in possession of any other persons having the care or control of any land or building in case of the absence or disability of the person having title thereto;
- (t) **“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 diseased tissue;
- (u) **“Person”** shall mean any individual, firm, company, association, society, corporation group;
- (v) **“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";

- (w) **“Phenolic Compounds”** means hydroxyl derivatives of benzene and its condensed nuclei, concentrations of which shall be determined by "Standard Methods";
- (x) **“Professional Engineer”** means a registered member in good standing of the Association of Professional Engineers of Nova Scotia';
- (y) **“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;
- (z) **“Sanitary Sewer”** means a sewer for the collection and transmission of domestic, commercial and industrial wastewater or any of them, and to which uncontaminated or cooling water, storm, surface, and groundwater are not intentionally admitted';
- (aa) **“Sewage”** means wastewater;
- (bb) **“Sewer”** means a pipe, conduit, drain, open channel, or ditch used for the collection and transmission of wastewater, or uncontaminated process or cooling water;
- (cc) **“Sewerage System”** means all pipes, mains, equipment, buildings and structures for collecting, pumping or treatment of wastewater and operated by the Municipality of the District of Argyle in the village of West Pubnico, but does not include a storm sewer;
- (dd) **“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;
- (ee) **“Storm Sewer”** all related structures designed exclusively for the collection and transmission of uncontaminated water, stormwater, drainage from land or from any watercourse or any of them;
- (ff) **“Stormwater”** means runoff water from rainfall or other natural precipitation, groundwater or water from the melting of snow or ice and shall include roof drainage and footing drainage';
- (gg) **“Suspended Solids”** means insoluble matter than can be removed by filtration through a standard glass fiber filter as provided by "Standard Methods";

- (hh) **“True Colour Units”** means the measure of the colour of the water from which turbidity has been removed;
- (ii) **“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';
- (jj) **“Waste”** means any material discharged into the sewerage system';
- (kk) **“Wastewater”** means any liquid waste containing animal, vegetable, mineral, or chemical matter in solution or suspension carried from any premises;
- (ll) **“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 map-made surface feature, whether it contains or conveys water or not;
- (mm) **“Year”** means the fiscal year of the Municipality.

PART 2 - DISCHARGES TO THE WEST PUBNICO SEWERAGE SYSTEM:

1. No person shall discharge matter of any type or at any temperature or in any quantity which may be or may become a health or safety hazard to an employee or agent of the Municipality conducting work on the sewerage system, or which may be or may become harmful to the sewerage system, or which may cause the sewerage system effluent to contravene any requirements of any applicable federal or provincial legislation, or which may interfere with the proper operation of the sewerage system, or which may impair or interfere with any sewage treatment process, or which is or may result in a hazard to any person, property, or vegetation.

2. Except as otherwise provided in this By-law, no person shall discharge, release, suffer or cause to be discharged into the sewerage system any of the following:

- (a) Matter of a type or quantity that has or may emit a toxic or poisonous vapour or a chemical odour that may interfere with the proper operation of the sewerage system, constitute a hazard to humans, animals or property, or create any hazards or become harmful in the receiving raters of the sewerage system;
- (b) Noxious or malodorous gases or substances capable of creating a public nuisance except human wastes, including, but not limited to, hydrogen sulphide, mercaptans, carbon disulphide, other reduced sulphur compounds, amines and ammonia;
- (c) Ashes, cinders, sand, potters clay, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood or other solid or viscous substances capable of causing obstruction to the flow of sewers or other interference with the proper operation of the sewerage system;
- (d) Wastewater which consists of two or more separate liquid layers;
- (e) Paunch 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;
- (f) Animal fat or flesh in particles larger than will pass through a quarter (1/4) inch screen;
- (g) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive matter or wastewater containing any of these in any quantity;
- (h) Waste which, either by itself or upon the reaction with other material, becomes highly coloured;
- (i) Wastes containing herbicides, pesticides or xenobiotics including, but not limited to, polychlorinated biphenols (PCB's);
- (j) Atomic wastes and radioactive materials except as may be permitted under the Atomic

Energy Control Act (Canada) currently in force and regulations thereunder;

- (k) Wastewater or uncontaminated water having a temperature in excess of sixty (60) degrees Celsius;
- (l) Wastewater having a pH less than 5.5 or greater than 9.5 or having any other corrosive or scale forming properties capable of causing damage or hazards to the sewerage system or employees or agents of the Municipality working on the sewerage system;
- (m) Wastewater that will create tastes or odours in drinking water supplies, making such waters unpalatable after conventional water treatment;
- (n) Matter of any type or at any temperature or in any quantity which may cause the sludge from the sewerage system to fail to meet the criteria relating to contaminants for spreading the sludge on agricultural lands, under Nova Scotia guidelines for sewage sludge utilization on agricultural lands;
- (o) Stormwater, water from drainage of roofs or footing drains or land, or water from a watercourse or uncontaminated water, except in the case of discharge to any combined sewer;
- (p) Sewage containing dyes or colouring materials which pass through a sewage works and discolors the sewage works effluent;
- (q) Wastewater containing any of the following in excess of the indicated concentrations:

Aluminum (Al)	50 Milligrams/Litre
Antimony (Sb)	5 Milligrams/Litre
Arsenic (As)	1 Milligrams/Litre
Barium (Ba)	5 Milligrams/Litre
Beryllium (Be)	5 Milligrams/Litre
Bismuth (Bi)	5 Milligrams/Litre
Cadmium (Cd)	0.1 Milligrams/Litre
Chlorides expressed as Cl	1500 Milligrams/Litre
Chromium (Cr)	4 Milligrams/Litre
Cobalt (Co)	5 Milligrams/Litre
Copper (Cu)	1 Milligrams/Litre
Cyanide expressed as HCN	2 Milligrams/Litre
Fluorides expressed as F	10 Milligrams/Litre
Iron (Fe)	50 Milligrams/Litre
Lead (Pb)	2 Milligrams/Litre
Manganese (Mn)	5 Milligrams/Litre
Mercury (Hg)	0.1 Milligrams/Litre
Molybdenum (Mo)	5 Milligrams/Litre
Nickel (Ni)	2 Milligrams/Litre

Phenolic Compounds	1 Miligrams/Litre
Phosphorous (P)	30 Miligrams/Litre
Sulphates expressed as SO4	1500 Miligrams/Litre
Sulphide	2 Miligrams/Litre
Selenium (Se)	5 Miligrams/Litre
Silver (Ag)	2 Miligrams/Litre
Tin (Sn)	5 Miligrams/Litre
Zinc (Zn)	3 Miligrams/Litre

- (r) Wastewater of which the BOD exceeds three hundred (300) milligrams per litre
 - (s) Wastewater containing more than three hundred fifty (350) milligrams per litre of suspended solids;
 - (t) Wastewater of which the COD exceeds one thousand (1000) milligrams per litre
 - (u) 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;
 - (v) Any matter in such quantities which exert excessive chlorine requirements so as to constitute a significant load on the wastewater treatment works;
 - (w) Wastewater containing fish offal or pathologic wastes;
 - (x) Septic tank sludge, wastes from marine vessels or vehicles or sludge from sewage treatment plants;
 - (y) Any waters or wastes containing substances for which special treatment or disposal practices are required by applicable Provincial or Federal Legislation.
3. No person shall connect a sump pump to the municipal sewer.
 4. The presence in wastewater of any one of the Matters in Part 2, Section 2 in a concentration in excess of its limits constitutes a separate offence.
 5. Compliance with any limit is not attainable simply by dilution.

PART 3 - GENERAL

1. For the purpose of the administration of this By-law, the Engineer may, upon production of his or her identification, enter any industrial/commercial premise and have free unimpaired access, to observe, to measure the flow of wastewater to the sewerage system and to collect any samples required at reasonable times upon reasonable notice.
2. No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with:
 - (a) any part of the sewerage system; or
 - (b) any permanent or temporary device installed in the sewerage system for the purpose of measuring, sampling and testing of wastewater.
3. No work shall be carried out on the sewerage system other than by the authority of the Municipal Engineer.
4. The Council and/or Engineer shall have the power to stop and close up and prevent from discharging into the sewerage system, any private sewer or drain through which substances are discharged or into which substances are thrown, deposited or supposed to be put, prohibited by this By-law or which are liable to injure the sewers or obstruct the flow of sewage.
5. The Council and/or Engineer shall not cause any sewer to be closed up pursuant to this sub-section unless the opener of the sewer is first noticed and given an opportunity to be heard by the Council. Any costs incurred by the Municipality as a result shall be recovered as a first lien on the property. Notwithstanding that which precedes, in the event of an emergency, the engineer may conduct and complete the work to be done in order to ensure that the provisions of this By-law are complied with and any and all costs incurred as a result of the completion of this work shall be recovered by the Municipality as described above.
6. Whenever the Engineer considers it is necessary, it shall be required that any person who is the owner of land which is used for industrial or commercial purposes and which is connected to the sewerage system to provide grease, oil, and sand inceptors in order to provide for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable waste, sand, or other harmful ingredients. All owners of garages, service stations, car wash operations and similar business establishments connected to the sewerage system shall provide approved types of inceptors for oil, grease, soap and similar products. All inceptors shall be of a type and capacity approved by the Engineer, and shall be located so as to be readily accessible for cleaning and inspection. Grease and oil inceptors shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight.

PART 4 - CONNECTIONS

1. Every owner or his or her agent connecting to the West Pubnico Sewerage System shall first complete an application form furnished by the Public Works Department of the Municipality, which form shall have the context as given in Appendix "A".
2. Every person connecting to the sewerage system shall construct the connection according to requirements of the Canadian Building and Plumbing Codes.
3. No person shall connect any storm sewer to the sewerage system.
4. The owner of a building, the nearest part of which is not more than one hundred and fifty feet (150') from any portion of the municipal sewer shall be required to connect to the municipal sewer system, at the owners expense, however, Council may exempt therefrom any such building as appears to it:
 - (i) to be adequately served with existing on-site sewage disposal systems;
 - (ii) would not be adequately served by connection to the sewerage system.
5. Any property lot that does not abut a public road where the existing sewer main passes, or where the connection pipe would cross a third party property will only be considered if the application indicates that a surveyed legal easement(s) for the sewer line shall be obtained prior to the installation of said sewer line. And further, an approval for such a connection shall be granted only when evidence satisfactory to the Engineer demonstrates that the surveyed legal easement has been granted by the owner of the servient tenement.
6. Where a building has been connected to the municipal sewerage system or the Council has ordered a building to be so connected, the Council may by resolution order the owners of outhouses and septic tanks to remove such outhouses and to destroy or fill such septic tanks.
7. Council shall have no obligation to permit connection to any building more than 150 feet from the sewer main and shall review such requests on a case-by-case basis.
8. The annual sewerage system service charge for any and all new connections to the sewerage system shall be due from the date when the sewer in respect of which it is charged has been laid and ready for connection, which date shall be determined by the Engineer and shall be applied on a prorated basis.
9. The Municipality shall notify the owner of the basis of the sewer service charge assessment to him and the account payable.
10. The sewer service charge shall be due and payable on the date for payment of general rates in each year.

11. Every charge or tax imposed under the provisions of the By-law shall constitute a lien upon the real property, and may be collected in the same manner as other taxes and, at the option of the Treasurer, be collectable at the same time, and by the same proceedings, as taxes, pursuant to Section 81 of the Municipal Government Act.

12. The Municipal Council may levy a capital charge to property owners when new expansions are built to the West Pubnico Sewerage System. This capital charge shall be applied to those residents in the expansion area in conformance with the By-law. The capital charge shall be calculated by dividing the net capital cost by the total number of equivalent units in the expansion area.

The Municipal Council may levy a capital charge to property owners in the serviced area resulting from repairs or improvements to the West Pubnico Sewerage System including the Sewage Treatment Plant, which is part of the sewerage system. The capital charge shall be calculated by dividing the net capital cost by the total number of equivalent units.

13. All costs associated with the installation, connection, maintenance or repair of a building sewer connection to the municipal sewerage system, whether in a street, highway or easement, including the costs of any necessary permits, are the sole responsibility of the owner. When any building has plumbing services connected to the West Pubnico Sewer, a backup valve shall be installed in the sewer pipe inside the basement area and/or in the floor. This valve shall be accessible and inspected.

14. 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 drain is too low to permit gravity flow to the public sewer, sanitary sewage carriage by such building drains shall be lifted by an approved means and discharged to the building sewer.

15. The person who originally made application for the building sewer permit shall notify the Engineer when the building sewer is ready for inspection and connection to the public sewer. The entire works shall be performed under the supervision of the Engineer.

16. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, walkways and other public property disturbed in the course of the work shall be restored and such restorations are to be satisfactory to the Engineer.

PART 5 - APPLICATION TO CONNECT

1. Any person requesting a permit, after the original sewer line has been installed, for connecting a building service connection with the municipal sewer shall pay a fee of \$1,000.00 and shall accompany the application to connect.
2. The construction and installation of any building service connection shall be conducted subject to the inspection and review by the Engineer and the specifications for labour and materials under which the municipal 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. All individual connections shall be to the sewer main.
3. The “National Building Code” as issued by the National Research Council of Canada, is hereby adopted as part of this by-law.
4. All sewers and drains shall be constructed in accordance with the provisions of the Public Highways Act, Revised Statutes of Nova Scotia, 1989, Chapter 371, and amendments and regulations thereto, and shall cause as little obstruction as possible for pedestrians and vehicular traffic during installation.
5. 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.
6. Where the owner does not effectively block up the building sewer connection as required under the provisions of Part 5, Section 6 herein within Thirty (30) days from receipt of a notice from the Engineer, requiring him to do so, the Engineer may cause the same to be done and the cost of such work may be recovered as a first lien in accordance with Section 507 of the Municipal Government Act.
7. The Municipality shall keep a separate account of all monies due for the construction, maintenance, repair and expansion of the system, which account shall contain:
 - (a) The names of the owners of property liable for a sewer service charge, and the name of the sewer with respect to which such sewer service charge arose;
 - (b) The amount of sewer service charge due with respect to each property;
 - (c) The amount of sewer service charge paid with respect to each property.
8. Where under any provision of this by-law approval or permission of the Engineer is required before any work or things may be done, an appeal shall lie to the Council of the Municipality from the decision of the Engineer refusing to grant approval or permission, and the Council of the Municipality shall either direct the Engineer to grant the approval or permission,

or uphold the decision of the Engineer. Council shall at no time direct the Engineer to grant an approval or permission which is not consistent with any of the provisions of this by-law

9. The right of appeal provided in Part 5, Section 9 shall expire Thirty (30) days after the Engineer gives his decision in writing to the owner with respect to the refusal to grant approval or permission.

PART 6 - FINANCES

1. The owner of any property, which is served by the West Pubnico Sewerage System, shall pay an annual service charge. The basic annual service charge shall be calculated based on an amount budgeted by Council to be the amount required to maintain and operate the system for the year plus an amount to be set aside as a reserve for future capital expenditures and/or major repairs to the system which will be determined and prescribed, by Council on an annual basis. Once the budget has been determined, the charge per equivalent unit shall be determined by dividing the estimated budget amount for maintenance and operation by the total number of equivalent units serviced by the sewerage system. The annual service charge for each property shall then be determined by multiplying the basic annual charge by the number of units for the property.

2. Vacant lots, which have previously been serviced, that are located in the service area will be charged an annual rate of \$20.00 dollars.

Type of Use	Imperial Gallons	Equivalent Units
Single Family Residence	200	1
- for each beauty shop or barber shop chair in private home, add	75	See note below
Apartment (self-contained)	200	1
Senior's Citizen's Complex	125 (per apartment)	See note below
Rest Home/Boarding Home	75 (per bed)	See note below
Bed and Breakfast (3 bedrooms or less)	300	1.5
- for each additional bedroom, add	75	See note below
Hotel/Motel	75 (per unit)	See note below
School	200 (per classroom)	1 per classroom
Laundromat	85 (per washer)	See note below
Beauty Salon (1 chair)	200	1
-for each additional chair, add	75	See note below
Commercial/Industrial, not otherwise covered on this list with two washroom facilities	200	1
- for each additional Washroom	100	0.5

Note 1: Total flows for this use shall be calculated based on the flow given times the appropriate number of employees, apartments, beds, sites, units, washes or seats depending on the type of use. The number of equivalent units is calculated by dividing the above total flow by 200. When the number of units calculated is less than one (1) at any single location, the number of equivalent units assigned to that location shall be one (1).

PART 9 - OFFENSES

Any person who contravenes any section of this By-Law is liable on conviction to a penalty 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 (1) year.

PART 10 – TRANSITION

This by-law comes into effect once all applicable requirements, as outlined in the Municipal Government Act, have been complied with and at that time all previous by-laws with regards to the West Pubnico Sewer are hereby repealed.

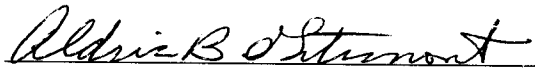
READ A FIRST TIME IN OPEN COUNCIL THIS 8th DAY OF February, 2005.

“NOTICE OF INTENT” ADVERTISED ON THIS 15th DAY OF February, 2005.

READ A SECOND TIME IN OPEN COUNCIL THIS 8th DAY OF March, 2005

“NOTICE BY-LAW HAS BEEN PASSED” ADVERTISED AND ENACTED ON THIS 15th DAY OF March, 2005.

MINISTERIAL APPROVAL NOT REQUIRED; FORWARDED TO MINISTER THIS 16th DAY OF March, 2005.



Aldric B. d'Entremont
Warden



Neil J. LeBlanc
Chief Administrative Officer/
Municipal Clerk Treasurer

Appendix "A"

Application to the Municipality of the District of Argyle

SEWER ENTRANCE FORM

Date: _____

Name of Applicant: _____

Owner of land: _____

P.I.D.: _____

Present Address: _____

Telephone Number: _____

Building Use:

- | | | |
|----------------------------------|--|--|
| <input type="checkbox"/> SFD | <input type="checkbox"/> Industrial | <input type="checkbox"/> Residential Units |
| <input type="checkbox"/> Duplex | <input type="checkbox"/> Commercial | <input type="checkbox"/> Boarding Home |
| <input type="checkbox"/> Triplex | <input type="checkbox"/> Institutional | <input type="checkbox"/> Other _____ |

Name of Highway (Road) _____

Side of Highway: North South East West

Please provide a plot plan on the reverse side of this form (or on separate sheet) indicating the location of the property: re: lot dimensions: width, length, and road frontage.

Does your lot have road frontage? Yes No

Distance of pipe (in feet) required from existing sewer main to proposed structure: _____

Will your sewer pipe cross other lands? Yes No

Connection Fee: _____ Paid Receipt Number: _____

Installer's signature: _____

Applicant's/Owner's signature: _____

Approval Chief Administrative Officer: _____

Approval Date: _____

Condition of Permit

Please be advised that sewer connections are the responsibility of the landowner and/or applicant including any cutting or repairing of soils, roads and sidewalk. When the owner of any building connects plumbing services to the West Pubnico Sewer, a backup valve shall be installed in the sewer pipe inside the basement area and/or in the floor. This valve shall be accessible and inspected.