MUNICIPAL BY-LAW NO. CA-08

BY-LAW CONCERNING THE PUBLIC SANITARY SEWER SYSTEM IN THE REGIONAL TOWN OF CAP-ACADIE

BY VIRTUE OF THE AUTHORITY conferred upon it by the *Local Governance Act*, SNB, 2017, Chapter 18, the municipal Council of the Regional Town of Cap-Acadie, duly assembled, adopts the following by-law:

1. DEFINITIONS

"Accessory building" means an independent accessory building not used for dwelling purposes, which is located on the same lot as the main building, structure or use to which it is accessory and which is used exclusively for the main use of the lot;

"Main building" means the building on which the principal use of the lot on which it is located is carried out;

"Property" means a property on which a main building is located;

"Check valve" means a device preventing backflow;

"Council" means the mayor and councillors who form the municipal Council of Cap-Acadie which is responsible for the sanitary sewer services of the Regional Town of Cap-Acadie;

"Contract" means an agreement between an individual, partnership or corporation and the Municipality for the provision of sewer services. The agreement may result from a document signed by the parties or from a customer's request for the provision of sewer services;

"Development" means a parcel creating two (2) or more lots for residential construction;

"Director of Finance" means the Director of Finance of the Regional Town of Cap-Acadie;

"Chief Administrative Officer (CAO)" means the person appointed under Section 81 of the *Local Governance Act* or the person appointed by Council;

"Property line" means the boundary between the right of way and the property;

"Household" means all the furniture and utensils necessary for a domestic family to live in without compromising the quality of life of its members;

"Municipality " means the Regional Town of Cap-Acadie;

"Permit" means the authorization given by the Municipality to proceed with any work related to the sanitary sewer system, including connections;

"Developer" means an owner or owner's agent hired to perform sanitary sewer line installation work to create a development of two (2) or more lots;

"Owner" means the person whose name is recorded for the purpose of property assessment under the *Assessment Act*;

"Backflow" means the reversal of the normal direction of flow in a supply pipe;

"Public sanitary sewer system" includes pumping stations, manholes, lagoons, buildings, collection mains, trunk sewers, lateral services, motor facilities, apparatus and anything else that may be useful in the collection, treatment and removal of sewage and is owned by the Municipality;

"User" means the person who uses the sanitary sewer services provided by the Municipality .

The masculine form used in this by-law refers to both men and women. The masculine gender is used without discrimination for the sake of brevity.

2. ADMINISTRATION

2.1 The Council may appoint officials, servants, agents, consultants, and employees as may be necessary for the continued proper operation of the public sanitary sewer system.

2.2 Subject to the approval of the CAO, the Municipal Operations Director, or any other person appointed by Council, shall manage, monitor, and control the public sanitary sewer system.

2.3 The Municipal Operations Director, under the direction of the CAO :

- 2.3.1 must oversee the construction, repair and maintenance of the public sanitary sewer system;
- 2.3.2 must ensure that the necessary tests are taken at the lagoon as prescribed and that the results are entered in the Municipality's records and sent to the New Brunswick Department of Environment as required;
- 2.3.3 must ensure that aerators and pumping stations are in good working order, and that a maintenance and repair record book is kept up to date;
- 2.3.4 shall prepare final plans (as-builts) of the public sanitary sewer system showing details of location, depth, dimensions, shape and size of pipes, materials used and any extensions or alterations made to the system from time to time; and
- 2.3.5 shall keep a record of all work relating to the public sanitary sewer system including the data on the cost of labor and materials for each job, the depth to

which the pipes were laid, the location of backflow valves and any other details of the work to establish connections to the public sanitary sewer system required by the Council.

3. OBLIGATIONS OF THE MUNICIPALITY

3.1 The Municipality is responsible for repairs, the cost of materials, including labor and other expenses required to repair or replace a connection to the public sanitary sewer system from the main line to the property line.

3.2 The public sanitary sewer system will collect, treat, and dispose of domestic sewage.

3.3 The Municipality must carry out an in-depth evaluation by a consultant before connecting an industrial company to the public sanitary sewer system, which is at the company's expense.

3.4 The Council has the power to enter into an agreement concerning the costs of connection and users with an industry and/or commerce for the good of the Municipality's economy.

4. OWNER'S OBLIGATIONS IN RELATION TO SANITARY SEWER SERVICES

4.1 Any owner of a building erected on the property served by the public sanitary sewer system must connect to it and become a user except in the situation where the building is at least 150 feet away from the main sewer line, or in the situation where the elevation of the main sewer line in relation to the building does not allow the sewer system to operate by gravity.

4.2 Property owner responsible for all operating costs and maintenance of the public sanitary sewer system, capital/reserve costs, and other charges imposed by this by-law on the properties in question, whether owner-occupied or tenant-occupied, vacant, connected, or unconnected.

4.3 The owner of a property is responsible for the costs of installation, maintenance, repairs, materials, labour, and other expenses necessary to install, repair, unclog or replace a connection to the public sanitary sewer system from his property line to the main building.

4.4 It is forbidden to install a septic tank to serve a new construction if it is reasonably possible to connect to the municipal sewer system.

4.5 Municipal employees will not unclog sewer lines and won't help homeowners unclog their lines.

5. IDENTIFICATION OF THE PROPERTY OWNER

5.1 The Municipality can identify the owner of the property from the list prepared under the New Brunswick *Assessment Act*.

6. SANITARY SEWER PERMITS

6.1 No person, other than the Municipal Operations Director or representative of the Municipality, shall dig up, use, modify or move any part of the public sanitary sewer system or make a connection thereto without a permit to this effect having been issued in accordance with this by-law on the form provided in Appendix "A".

6.2 Anyone wishing to obtain a permit to carry out the work referred to in paragraph 6.1 of this article must submit a written request to the Municipality:

- 6.2.1 using the form in Appendix "A" as prescribed by the Council;
- 6.2.2 signed by the owner;
- 6.2.3 containing the information required by the Municipality to determine compliance with the requirements of this by-law, any applicable *Act* and any other applicable by-law;
- 6.2.4 at least two working days (48 hours) before work begins;
- 6.2.5 obtain a plumbing permit as required by the Province of New Brunswick; and
- 6.2.6 signed by the Municipal Operations Director.

6.3 When the Municipal Operations Director or his representative receives an application under this section and is satisfied that the requirements of this by-law and all other applicable laws and regulations have been complied with, he shall, subject to this section, issue the requested permit within three (3) working days.

6.4 When a person contravenes a provision of the present by-law, the CAO may indicate the nature of the offence and suspend or cancel the permit by means of a written notice served personally or by registered mail to the permit holder.

6.5 Thereafter, if the situation which led to the suspension of the licence is remedied, the CAO may reinstate the suspended permit.

6.6 Work must not begin until the connection permit has been issued by the Municipality.

6.7 The work authorized by the permit issued in application of the present by-law must be carried out under the supervision of the Municipal Operations Director or municipal representative.

6.8 When the owner submits a request for connection to the public sanitary sewer system in accordance with the form, the owner must pay the Municipality the permit fees set out in Appendix "A".

6.9 The Building Inspector of the Southeast Regional Service Commission cannot issue a building permit for a new building without proof that the sewer connection permit fee has been paid.

6.10 The proof indicated in paragraph 6.9 must be provided by the Municipality's representative or in the form of an official receipt from the Municipality submitted by the owner.

6.11 For the Municipality to incur an expense for a connection, the value of the building permit must be at least equivalent to $50,000 and the property in question must be residential.

7. USER FEES AND BILLING

7.1 User fees are determined annually by a resolution of the Council when preparing the Municipality’s budget.

7.2 Each household identified by the Municipality must pay the user fee.

7.3 When a person proposes to connect two (2) or more lots, the project is considered a development, which generates a connection fee for each lot under section (4) of the public sanitary sewer connection permit application form in Appendix "A".

7.4 Appendix "B" shows the minimum number of units for different types of use and rate per unit by service.

7.5 Billing dates for the public sanitary sewer system are four (4) per calendar year, on January 1st, April 1st , July 1st and October 1st.

7.6 All tariffs and other charges still unpaid thirty (30) days after the date the became due and payable in accordance with this municipal by-law, including tariffs and unpaid/arrears charges as soon as they become due and payable.

7.7 Interest of one percent (1%) per month, or part of a month, is added to the amount due until it is paid.

8. FRONTAGE COSTS

8.1 Any lot served by a sanitary sewer line installed and paid for by the developer is not subject to a frontage charge.

8.2 Any user whose sewer system debenture is not paid in full shall pay for each linear foot of frontage of the property served by the sanitary sewer system as follows:

System	Cost per foot of facade
System 2017 - Thibodeau Road	2.81$
System 2018 - St-André / Acadie Road	2.81 $

9. USE OF SEWAGE SERVICES

9.1 It is strictly forbidden for any person to discharge or cause the discharge of surface water, ground water, water from hill, sump pump, building roof or water pump from foundation pipes or foundation floor drains in a sanitary sewer.

9.2 The owner is responsible for verifying the elevations of the sewer installations and natural outlets before pouring the foundations for his building to ensure proper drainage.

9.3 Each household must have its own sewer line to the main line of the public sanitary sewer system.

9.4 The owner who disconnects from the main line of the public sanitary sewer system will have a maximum period of one year to connect, free of charge. After this probationary period, the associated cost of reconnecting the line to the public sanitary sewer system is under section (2) of the sewer connection permit application form in Appendix "A".

10. CHECK VALVE

10.1 The owner of any building or installation must have installed, at his own expense, a check valve that complies with the *National Plumbing Code* on its sewer pipes and always maintain the backflow prevention devices in good condition.

10.2 The owner must install a check valve at his own expense to prevent sanitary sewer backups. The Municipality accepts no financial or other responsibility for sanitary sewer backups unless a check valve has been installed by the owner.

11. CONSTRUCTION OF A NETWORK BY THE DEVELOPER

11.1 The Municipality must enter into an agreement with the developer.

11.2 The developer must provide a copy of the analyses of granular materials used during construction to confirm that the standards of the Department of Transportation and Infrastructure have been met. In addition, analyses must be accompanied by a letter from the engineering firm responsible for adequate geotechnical assessment attesting that the granular materials used are for the construction of the new street.

11.3 It is forbidden to extend or have extended the public sanitary sewage system or cause costs to the Municipality without Council authorization.

11.4 A public sanitary sewer system proposed by a developer which will be connected to the municipal sewage system must be built only after the Municipality has approved the plans and specifications signed by an engineer of the Province of New Brunswick.

11.5 If necessary, these plans must be approved by New Brunswick's Department of Environment and a copy of the certificate of approval must be provided to the Municipality.

11.6 The Municipality will provide the developer with a written notice giving him the authority to proceed with the construction of the sewer system. See Appendix "C" for a copy of this written notice.

11.7 Any developer must provide the Municipality with the name of the person who will carry out the work, and the Municipality may refuse the application if the person or contractor named is deemed not qualified or competent enough to carry out the work.

11.8 All building sanitary sewer pipes must have a continuous downspout and a slope of at least one percent (1%), as certified by the professional consultant.

11.9 The building's sanitary sewer pipe must be 100 mm (4") in diameter, type PVC DR 35 or equivalent, and approved by the Municipal Operations Director.

11.10 For a development of 8 units or more, as well as for a future residential development that encompasses 8 or more lots, the sanitary sewer pipe must have a minimum diameter of 200 mm (8").

11.11 Construction work carried out by a developer must be inspected and supervised full-time by a representative of the engineering firm responsible for designing the plans and specifications to ensure that the work complies with the building regulations.

11.12 No developer shall cover sanitary sewer lines until installation has been verified by the representative of the engineering firm responsible for designing the plans and

specifications. In addition, the Town reserves the right to require the Municipal Operations Director or his representative to verify the installation of sanitary sewer lines before they are covered.

11.13 The developer does not incur any connection fees because he is responsible for all inspection and construction costs.

11.14 The developer must follow the recommendations of the engineer proposed by the Municipality otherwise the Municipality has the right to abrogate the agreement.

11.15 The developer undertakes to compact the soil, fill all excavations and restore, as far as possible, the surface of the land to its original state before any work was undertaken, in accordance with the standards set out in the plans and specifications for each project.

11.16 When the developer proposes to connect two (2) or more lots, the project is considered a development for which the connection fee for each lot is under item (4) of the application form for a connection permit to the public sanitary sewer system provided in Appendix "A" and it has no frontage fees paid to the Municipality.

11.17 Once construction is completed, the developer must apply for interim approval before the system goes into service. The Municipality will require the developer to submit copies of all tests, including pressure tests, to which the system has been subjected, for all pipes and manholes installed.

11.18 All installed pipes must be flushed with water and viewed to confirm that the installation complies with standards. A copy of all viewings must be submitted to the Town.

11.19 The Municipality will require the developer to submit copies of all compaction tests performed during construction by the engineering firm responsible for the geotechnical assessment. The following minimum frequency must be respected during construction:

11.19.1 Street subgrade - Deflection test on the entire length of the street and on each traffic lane with a loaded dump truck (two-axle truck). *The submission to the Town must include confirmation from the engineering firm responsible for the geotechnical assessment that the street deflection is acceptable and that granular materials can be installed*; and

11.19.2 Granular sub-base and base - Compaction tests must be carried out every 20 m for each layer of granular material placed.

11.20 The Town reserves the right to carry out compaction tests at the end of construction to confirm that the entire construction meets standards. In the event that compaction tests do not meet requirements, the developer must carry out the work required to ensure that the street meets compaction standards.

11.21 Costs associated with compaction testing during construction are the responsibility of the developer. Additional costs for compaction tests performed by the Town will be the responsibility of the Municipality if the test results are satisfactory. However, the developer will be responsible for additional costs for compaction tests performed by the Town in the event that the compaction tests do not meet standards, including additional costs following the work required.

11.22 Upon completion of construction, or no later than sixty (60) days following the date of interim approval, the developer must provide the Municipality with a reproducible copy (paper and PDF format) of the detailed as-built plans, outbuildings and service connections.

11.23 As a minimum, detailed construction plans (as-built) must contain the following information:

11.23.1	Location (tie-in) of all sewer manholes (with coordinates), including final cover elevation and elevations of all inlet and outlet pipes;
11.23.2	The location (tie-in) of all sewer services with the elevation of the pipe at the property line;
11.23.3	Location of all services connected to the main (distance from downstream manhole);
11.23.4The	Length of all pipes and their installed gradients (main and service pipes); and
11.23.5	Final street profile with elevations.

11.24 The Town will review the detailed construction drawings (as-built) and reserves the right to request changes in the event that the information submitted is not complete. The modification and reproduction of drawings will be carried out at no cost to the Municipality.

11.25 Prior to interim approval by the Municipality, the developer must guarantee, through the signed agreement, all materials used and work performed on the new network for twelve months following the start of use of this new section.

11.26 The Municipality's final acceptance of the new network is made in writing after twelve months' use, provided the network meets all the Municipality's standards and regulations. See Appendix "D" for a copy of the Municipality's final acceptance.

11.27 Portions of the sanitary sewer system located within the public right-of-way and required easements become the property of the Municipality upon final acceptance.

12. GENERAL INFORMATION

12.1 It is prohibited to discharge or cause to be discharged the following materials (not limited to this list) into the public sanitary sewer system:

12.1.1 gasoline, benzene, naphtha, fuel oil, oil or other flammable or explosive liquid, solid or gas, or any other toxic waste;

12.1.2 water or waste materials containing solids, liquids or gases toxic in sufficient quantity, either separately or in interaction with other wastes, to interfere in any way with wastewater treatment or to represent a danger to humans or animals, to create a public nuisance or to compromise the quality of the receiving waters of a wastewater treatment plant;

12.1.3 water or waste materials with corrosive properties likely to damage installations and equipment and pose a danger to municipal staff; and

12.1.4 solid or viscous substances in sufficient quantity or of sufficient size to obstruct sewers, interfere with the flow of wastewater into sewers or compromise the proper operation of sewerage works.

12.2 Service stations, garages and buildings used for the maintenance or repair of motor vehicles and connected to the public sanitary sewer system are required to install a grease trap or oil separator acceptable to the Municipality.

12.3 Restaurants, grocery stores and other establishments designated by the Municipality are required to install a grease retention system if they are connected to the public sanitary sewer system.

12.4 The Municipality may authorize an inspection in the presence of the owner or his representative to determine whether or not the substances flowing into the sanitary sewer system are acceptable.

12.5 If the Municipality finds any irregularities, the owner will be given five (5) days' notice to make the necessary changes and/or adjustments, otherwise sanitary sewer service will be discontinued.

13. PENALTIES

13.1 Here is the procedure to follow for any unpaid balance over the last twelve (12) months:

13.1.1	$0 à $1 500	sending a registered letter to the client as stipulated in Appendix "E";
13.1.2	$1 501 à $2 499	the registered letter will be delivered by the bailiff;
13.1.3.	$2 500 and over	the Municipality undertakes to

place a special lien on the land of the property in question.

13.2 If the file is not settled within the time limit specified in the registered letter, the Director of Finance will send a monthly notice describing the arrears to be paid.

13.3 If the owner comes to make arrangements before the deadline prescribed by the registered letter, the owner must pay 50% of the debt incurred and pay the balance within the next twelve (12) months.

13.4 As authorized by the *Local Governance Act*, any owner who has not paid the arrears must pay the legal and other costs incurred by the Municipality in recovering the arrears.

13.5 No person shall acquire title to any property by way of sale or transaction while any unpaid sewer tax arrears are attached to such property.

13.6 A person's conviction under this section does not preclude further prosecution if he or she continues to neglect or fail to comply with the provisions of this by-law.

13.7 The Municipality will add to the user's invoice the cost of the registered letter and the cost of delivery by post and/or bailiff.

13.8 Every owner of a building is ultimately responsible for the bills associated with it.

14. INDEMNITY

14.1 No person shall have any claim against the Regional Town of Cap-Acadie, members of Council, employees, or representatives by way of claim for damage of any nature or kind whatsoever, which are caused at any time and to any property, except damage caused by deliberate acts or negligence of the Municipality, employees, or authorized representatives.

15. REPEAL AND ADOPTION

15.1 Municipal By-law N^{o} A-004, By-law concerning the public sanitary sewer system in the Village of Cap-Pelé, adopted February 1st, 2021, and all its amendments are hereby repealed.

15.2 The present by-law comes into effect on the day of its adoption.

FIRST READING (by title): September 11, 2023

SECOND READING (by title): September 11, 2023

COMPLETE READING: October 10, 2023
(Procedure in accordance with section 15(3) of the *Local Governance Act*)

THIRD READING (by title) AND ADOPTION: October 10, 2023

_____	_____
Serge Léger	Carole Friolet-Landry
Mayor	Clerk

APPENDIX "A"

APPLICATION FOR A CONNECTION PERMIT TO THE SEWER SYSTEM

APPLICANT: _____ TEL.: _____

ADDRESS: _____ CIVIC No.: _____

_____

RESIDENCE ( ) BUSINESS ( ) APT. ( ) OTHER ( )

TOTAL COST OF CONNECTION:

1. New construction or building	$2 000.00	( )
2. Reconnection to sewer system		
- before the end of the approval period (1 year)	no charge	( )
- after approval period	$500.00	( )
- following the service shutdown	$500.00	( )
3. Developer (2 lots or more)	no charge	( )
4. Subdivision within a subdivision served by the sewage system and whose connection line is already brought to the property line (Maçon, Thaddée-à-Sam, Dora, Denis, Broussard/Arluppe, Donelle, Butte-à-Éloi, Léonie, Anna/Frank, Cormier, Beauséjour)	$500.00	( )
5. Connection before the deadline set by the Council to a new system installed by the Municipality (Thibodeau Rd, St-André Rd, and new Dupuis Corner section)	$100.00	( )
6. Penalty for starting out without a license	Half the cost of the permit plus cost of connection.	
7. Trailer (annual fee)	$250.00	( )

A plumbing permit is required by the Province of New Brunswick. You must send us a copy before the permit is issued by the Municipality.

_____	_____
APPLICANT	DATE
_____	_____
MUNICIPAL REPRESENTATIVE	DATE
_____	_____
MUNICIPAL OPERATIONS DIRECTOR	DATE

APPENDIX "A"

REGULATIONS - SEWER CONNECTION

Here is the procedure to follow for connection to the sewer system:

1. Anyone wishing to obtain a connection permit must send a written request to the Municipality :

    - using the sewer connection permit application form as prescribed by Council;
    - at least two working days (48 hours) before work begins; and
    - obtain a plumbing permit as required by the Province of New Brunswick.

2. Work must not begin until the connection permit has been issued by the Municipality.

3. The user must make an appointment with the Municipality forty-eight (48) hours prior to connecting so that the Municipality can inspect the connections in the sewer system.

4. Any connection of pipes must be done, and pipes cannot be buried until the municipal inspector has checked the connections.

5. The user may not connect his building's drainage pipes to the sewage system or any other pipe except the sewage pipe.

6. The owner of any building or facility must install, at his own expense, backflow prevention devices conforming to the *National Plumbing Code* on his sewer pipes and maintain these backflow prevention devices in good working order at all times.

7. If the owner of the building or facility neglects to install or fails to have installed a backflow prevention device on its sewer pipes, the Municipality will not be liable for any damage to the property resulting from such omission or neglect.

8. Each building must have its own line to the main sewer line. Therefore, two buildings cannot connect to the same pipe/line leading to the main line.

9. If the inspector refuses to approve the connection, the Municipality may disconnect the user from the sewer system or take any other decision deemed necessary.

APPENDIX "B"

Minimum number of units for different types of use and rate per unit by service

Usage	Rate per unit
Apartment	1 unit per tenant
Arena	2 units
Workshop	1 unit
Inn, B&B	1 basic unit plus 1 unit for the first 5 rooms
Cap-Pelé Scouts building	1 unit
Accessory building	0 unit
Nightclub, cabaret, tavern, brewery	2 units
Bakery	1 unit
Laundromat	1 unit for every 2 washers
Professional office	1 unit
Offices of doctors, dentists, veterinarians, massage therapists, physiotherapists	1 unit per practitioner
Canteen (takeout)	1 unit
Fitness center	1 unit
Cultural recreation center (social club, seniors' club)	2 units
Cottage / dome / yurt	1 unit per cottage / dome / yurt
Commerce	2 units
Convenience store	1 unit
Donat-Robichaud School	42 units

Public building	1 unit per type of activity
Church	1 unit
Warehouse	1 unit
Home-based business	1 unit
Home for the elderly	1 unit per 4 beds
Garage and service station	2 units
Daycare	2 units
Financial institution	1 unit
Car wash	1 unit per bay
Mobile home	1 unit
Rooming house	1 unit per 3 rooms
Motel / Hotel	1 unit per 3 rooms
Pharmacy	1 unit
Presbytery	1 unit
Single-family residence	1 unit
Two-family home	2 units
Three-family residence	3 units
Restaurant	2 units
Funeral home	1 unit
Campsite	1 unit per 6 lots
Dog grooming	1 unit
Manufacturing plant	1 unit

APPENDIX "C”

Written notice for authorization to build a new sewer system

Madam,
Sir,

I hereby wish to inform you that the Regional Town of Cap-Acadie is very proud that you are willing to contribute to the growth of our Town by creating this development.

We have received all the information we needed about your project. This being said, the Municipality authorizes you to begin construction of the sanitary sewer system.

We thank you for your great contribution to the development of our community. Please accept, Madam or Sir, the assurances of my best regards.

Municipal Operations Director

c.c. Chief Administrative Officer

APPENDIX "D

Written notice for final acceptance of a new sewer system

Madam,
Sir,

I hereby wish to inform you that this letter is the final acceptance of the new sewer system built for _____ Road.

You've met all the Municipality 's standards and regulations, which means that the sanitary sewer system is now our property and our responsibility.

The Regional Town of Cap-Acadie would like to thank you for your great contribution to the development of our community.

Please accept, Madam or Sir, the assurances of my best regards.

Municipal Operations Director

c.c. Chief Administrative Officer

APPENDIX "E"

VIA REGISTERED MAIL

Mr John Lettre
Xx Xxxxxxx Road
Cap-Pelé, NB
E4N XXX

Mr. Letter,

Re: Sewer Service Charges - Account # XXXXXXX
Property located at Xx Xxxxxxx Road

Our records indicate that sewer service charges for the above-mentioned property are in arrears.

The amounts due (principal and interest) are as follows:

a. the sum of $ XXX.XX for the year 202X;

b. the sum of $ XXX.XX for the year 202X;

As of XX XXXXXX 202X, a total amount of $ X XXX.XX is due and interest is accruing at the rate of 1% per month on overdue amounts.

We ask that you pay all amounts due by XX XXXXXX 202X. These amounts can be paid at our offices located at:

2647 Acadie Road
Cap-Pelé, NB
E4N 1C2

Please accept, Madam or Sir, the assurances of my best regards.

Director of Finance

c.c. Chief Administrative Officer