

THE TOWN OF ST. STEPHEN

BY-LAW NO. W-2

A BY-LAW RELATING TO THE WATER AND SEWER SYSTEMS

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF ST. STEPHEN AS FOLLOWS:

1. INTERPRETATION

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,

"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,

"chief administrative officer" means the Chief Administrative Officer appointed by the Council pursuant to subsection 74(1) of the *Municipalities Act*,

"clerk" means the Clerk of The Town of St. Stephen,

"council" means the Mayor and Councillors of The Town of St. Stephen,

"cross connection" means any physical connection or arrangement of pipes between two otherwise separate water or waste water systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending upon the pressure differential between the two systems,

"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,

"director of operations" means the Director of Operations for The Town of St. Stephen appointed by Town Council to oversee the construction, design, repair and maintenance of the water and sewer systems and is accountable to Council through the Chief Administrative Officer,

"owner" means any person, firm or corporation controlling the property in whose name a property is assessed under the *Assessment Act* of the Province of New Brunswick, and includes executors, administrators and assigns of such person and should there be more than one owner it shall mean each of such owners jointly and severally,

"person" includes an individual, association, corporation, institution, society or group,

"private sewer system" means any method of treatment and/or disposal of sewage other than the public sewer system for sewerage disposal and serving one (1) lot only,

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

"town" means The Town of St. Stephen and shall include its employees, servants, officers and agents,

"treasurer" means the Treasurer of The Town of St. Stephen duly appointed by Council,

"user-charge" shall mean a rate or charge for sewer service based upon a percentage of the water service charge as shown on the user's water bill,

"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 St. Stephen water utility, including land, wells, water lines and appurtenances, treatment plants, reservoirs, pumping stations, and general property.

2. DIRECTOR OF OPERATIONS

- 2.01 The Director of Operations, in consultation with the Chief Administrative Officer, shall have the administration, supervision and control of the water and sewer systems, subject to the approval of the Council and is accountable to Council through the Chief Administrative Officer.
- 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 Director of Operations shall have general supervision of the construction, operation, and maintenance of the water system and sewer system.

- 2.04 The Director of Operations 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) The water supply shall be furnished for domestic and fire protection purposes, Town purposes, and industrial purposes within the Town.
- (b) Water shall not be furnished for any purpose other than domestic and fire protection purposes when in the opinion of the Director of Operations the quality or efficiency of the water supply for domestic and fire protection purposes within the Town would be thereby impaired.
- (c) The Director of Operations may, in consultation with the Chief Administrative Officer, 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 Director of Operations.

- 3.02 Water distribution system extensions, expansions and renewals will be designed and installed based on the assumption that the buildings or facilities being served, other than low density residential units, are provided with sprinkler systems, and require appropriately reduced flows for fire fighting.

- 3.03 Water shall not be supplied from the water system to any customer's water system unless such system is protected from frost, and a copy of the plumbing inspector's report is presented to the Director of Operations.

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 Director of Operations 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 No connections shall be made to the water system for the purpose of taking water therefrom except under the direct supervision of the Director of Operations or other person duly authorized by the Director of Operations for the purpose.
- 3.06 Where maintenance of a customer's sprinkler or other firefighting system requires the shutdown of the water system, the customer shall obtain prior permission from the Director of Operations, or designate, and shall notify the Fire Department personnel.
- 3.07 Water Service Connection
- (a) At the time of making application for a water service connection the owner shall deposit with the Town Treasurer an amount equal to the estimated cost of installing the water service pipe or replacing the water service pipe as the case may be.
 - (b) The amount deposited shall be credited to the cost of the work and should such cost exceed the amount of the deposit, the owner shall pay the difference to the Town Treasurer before the water supply is activated but should the deposit exceed the cost of the work the surplus shall be refunded to the owner.
- 3.08 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 Director of Operations is contrary to subsection 3.08(a) hereof, the Director of Operations is authorized to take immediate steps to protect the system, including immediate shut off.
- 3.09 No owner, whose premises are served by the water system, shall allow an alternate source of water supply to be connected to the water system.
- 3.10 Water Meters
- (a) Unless otherwise recommended by the Director of Operations the water supply to any premises shall be measured by a water meter. Wherever possible, the installation of an electronic meter reading device shall be located on the exterior of the building or otherwise accessible location to Town Public Works employees.
 - (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 front proof as to guarantee the safety of the meter, the Director of Operations may order the construction of an approved frost proof chamber in which the meter can be installed.
- (d) All water meters installed by the Town or for the Town 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. Please refer to Section 2.03 of By-Law No. W-1.

3.11

- (a) 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 Director of Operations:
 - (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,
 - (iv) allow water to be unnecessarily wasted upon his or her premises.
- (b) No person except those authorized by this by-law shall open or close or cause or permit to be opened or closed any valve in the water system, or remove, tamper with or in any way interfere or cause or permit to be removed, tampered or interfered with, any valve, water meter, hydrant, structure, water main, water service pipe or water service valve in the water system.
- (c) No person except the Chief of the Fire Department or those authorized by him or this by-law shall open or close or cause or permit to be opened or closed a fire hydrant or use or cause or permit the use of water from a fire hydrant.

3.12 Cost

Whether a residential, commercial or industrial property, the owner shall pay the Town the actual cost for water connection.

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 Sewer Service Connection

- (a) The owner of any premises may file with the Town Treasurer an application in the form provided for that purpose for the construction or replacing of a building sewer or building storm sewer and the connection thereof with the appropriate sewer main.
- (b) At the time of filing an application the owner shall deposit with the Town Treasurer an amount equal to the estimated cost of such installation or replacement.
- (c) The amount deposited shall be credited to the cost of the work and should such cost exceed the amount of the deposit, the owner shall pay the difference to the Town Treasurer before the building is used but should the deposit exceed the cost of the work the surplus shall be refunded to the owner.

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 Director of Operations that the effluent from his or her premises will conform to the requirements set forth in By-Law No. W-3, "A By-law 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 Director of Operations 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 situate 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 Director of Operations 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

- (a) Subject to subsection 4.07(b), no person shall construct or maintain in the Town, or within any area under the jurisdiction of the Town, any privy, privy vault, septic tank, cesspool, or any other facility intended or used for the disposal of sewerage.

- (b) 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 Director of Operations, 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.
- (c) Upon completion of the building lateral connection and approval thereof, the owner of a property formerly served by septic tank, cesspool, privy or private sewage disposal system on the property shall cause such septic tank, cesspool, privy or private sewage disposal system to be abandoned and filled with suitable material.

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, frost or for the purpose of making additions or repairs to the sewer system or for any purpose which, in the opinion of the Director of Operations and in consultation with the Chief Administrative Officer, is necessary or desirable.

4.09 Cost

Whether a residential, commercial or industrial property, the owner shall pay the Town the actual cost for sewer connection.

5. LATERAL CONNECTIONS

- 5.01 Before connecting a lateral to the sanitary sewer the owner shall,
 - (a) submit to the Clerk 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, and
 - (c) submit a fee in an amount established from time to time by the Council.
- 5.02 Upon receipt of the duly completed application form, the Director of Operations, or designate, 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 Director of Operations and the written authority of Council.
- 5.04 The owner shall be responsible for installing the lateral 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 Director of Operations, or designate, and the authority of Council.
- 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.
- 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 and maintain in good working order the lateral which services the building, including the portion of the lateral between the property line and the sanitary sewer. The Town will repair, if needed, the portion of the lateral between the property line and the sanitary sewer.
 - (b) Make arrangements for and pay all costs associated with maintaining the sewer lateral in good working order.
 - (c) 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/her responsibility.

- 5.12 Costs incurred by the Town in carrying out the work prescribed in subsection 5.11 (a), (b), and (c) shall constitute the same lien on the owner's land and shall be recoverable from the owner in the same manner as user-charges payable pursuant to By-Law No. W-1, being "A By-Law Respecting Water and Sewer Rates and Charges".

6. BACKFLOW PREVENTION

- 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 all regulations made and codes or standards to which they are subject.
- 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.
- 6.06 The Director of Operations, or designate, may require testing or proof of satisfactory operation of a backflow prevention device where, in the opinion of the Director, the condition, installation, or operation of the device represents a risk to the Town's potable water supply or there is evidence that the device is in any way faulty.
- 6.07 A person who fails to install an approved backwater valve as required by this by-law is guilty of an offence.

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 Director of Operations 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 of St. Stephen without approval of the Director of Operations, 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 rates or charges,
 - (iii) non-payment of a water or sewer connection charge,
 - (iv) non-payment of any repair or maintenance related charge,
 - (v) violation of any provision of this by-law, or
 - (vi) violation of any water or wastewater agreement.
- 7.05 Where a water supply has been discontinued under subsection 5.04, 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 Director of Operations, 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 If the Director of Operations 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.
- 8.03 If a person refuses or neglects to do anything required to be done by him or her hereunder, the same may be done by the Town at the expense of the person in default for which the Town shall render to such person an invoice for services.

9. PENALTY PROVISION

- 9.01 A person who violates or fails to comply with a provision of this by-law commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category D offence.
- 9.02 A violation as provided for in subsection 9.01 is a continuing offence and a separate information may be laid for each day such offence continues and the penalty provided for in subsection 9.01 shall be imposed for each conviction resulting from the laying of each information.
- 9.03 The conviction of a person under this section does not operate as a bar to further prosecution for the continued neglect or failure on his or her part to comply with the provisions of this by-law.

10. REPEAL PROVISION

- 10.01 By-Law No. W-2, "A By-Law Relating to the Water and Sewer Systems", passed by Town Council on December 16, 2003, and amendments thereto, is hereby repealed.

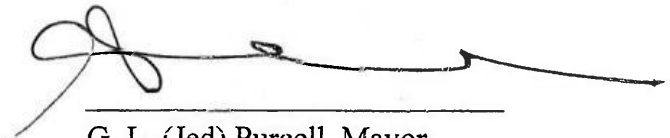
10.02 The repeal of By-Law No. W-2, "A By-Law Relating to the Water and Sewer Systems", and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

IN WITNESS WHEREOF the Town of St. Stephen has caused the corporate seal of the said Town to be affixed to this By-Law the 19th day of September, 2011.

First Reading: August 22, 2011

Second Reading: September 19, 2011

Third Reading and Enactment: September 19, 2011



G. L. (Jed) Purcell, Mayor



Joan M. Flewelling, Town Clerk