

1. **Council Convenes - O Canada** –Warden Hunter called to order the January 5, 2011 session of Cumberland Municipal Council at 1:00 p.m. The meeting was held in the Council Chambers of the E. D. Fullerton Municipal Building, Upper Nappan. O Canada was sung.
2. **Roll Call** - The roll was called by Shelley Hoeg, Executive Assistant to the CAO. All Councillors were in attendance. Also in attendance were Rennie Bugley, CAO, Stephen Ferguson, Director of Policy and Research, Andrew MacDonald, and Director of Finance and Administration, Robert Streach, Director of Public Works and Penny Henneberry, Director of Planning and Development.
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following additions and deletions:  

**Additions:** 11.1 - Recreation Grant Request; 15.3 - Webcam

**Deletions:** 6, 8, 9, 10, 13
4. **Approval of Minutes**
  - 4.1 **Minutes from December 15, 2010 Council Session** – The Minutes of December 15, 2010 were approved as circulated.
5. **Business Arising from the Minutes** -
  - 5.1 **Action List, December 15, 2010** – Staff were requested to follow up with a response regarding cell phone coverage.
6. **Delegations and Presentations**

This item was deleted
7. **Public Hearings**
  - 7.1 **Public Sewers By-Law**

Warden Hunter called to Order a Public Hearing at 1:09 p.m.

Mr. Streach, Director of Public Works advised Council of the following changes to the Public Sewers By-Law:

    - Updated provincial department names throughout the by-law
    - Converted imperial units of measurement to metric units of measurement throughout the by-law
    - Section 2 (c): removed wording in definition
    - Section 4: changed Engineer to recipient of appeals
    - Section 5: removed reference to reasonable notice
    - Section 11: wording change as **approved by Council on October 11, 2006**
    - Section 13: changed title and wording change as per amendment **approved by Council on October 11, 2006**
    - Section 14: addition of section on capital charges
    - Section 16 (3): changed Engineer as person who forwards notice of sewer charges
    - Section 19 (2): changes putting the responsibility on the Owner instead of the Contractor
    - Section 19 (2)(b): addition of the requirement of the Contractor to provide proof of general liability insurance.
    - Section 19 (2)(j): addition of ability to collect expenses through taxes
    - Section 19 (2)(k): addition to require Owner to complete a letter of undertaking
    - Section 21 (2): change to requirement for petition
    - Section 24 (3): removed section on classes of service connection permits
    - Section 24 (6): addition of ability to collect expenses through taxes
    - Section 24 (8): addition of several sub-sections on multiple buildings as **approved by Council on September 7, 2005**
    - Section 24 (12): addition of sub-section on the requirement of an easement as **approved by Council on September 7, 2005**
    - Section 24 (13): addition on re-inspection fee as **approved by Council on September 7, 2005**
    - Section 25 (3): addition on requirement for qualified person and equipment
    - Section 25 (4): addition of reimbursement to property owners for qualified person expenses
    - Section 25 (5): addition on when the Municipality will respond to blockages

- Section 28 (5): addition on change of usage of buildings
- Section 30 (1)(f): remove reference to sludge from sewage treatment plants
- Section 32: remove subsections (c) and (e)
- Section 33: add reference to commercial concern
- Section 35 (7): addition on testing composition of industrial or commercial wastewater as **approved by Council on September 7, 2005**
- Section 36: remove sub-sections (1), (2) and (3)
- Section 38 (3): remove reference to Schedule B

**The public hearing was closed at 1:15 p.m.**

**IT WAS MOVED by Deputy Warden Kellegrew, seconded by Councillor Gilbert to approve the Public Sewers By-Law which is as follows:**

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## **Public Sewers By-Law**

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### **Part I - General**

#### **Title**

1. This By-Law may be cited as the "Public Sewers By-Law" for the Municipality of the County of Cumberland and shall apply to the Municipality of Cumberland.

#### **Definitions**

2. In this By-Law, unless the context otherwise requires, the expression:
  - (a) "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";
  - (b) "building" means any dwelling, house, shop, store, office or any building which would require sewerage services;
  - (c) "building service connection" means a piping system that conveys sewage, liquid waste from a property to a municipal sewer;
  - (d) "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";
  - (e) "chief administrative officer" means the chief administrative officer of the Municipality of the County of Cumberland.
  - (f) "clerk" means the clerk for the Municipality of the County of Cumberland.
  - (g) "colour of liquid" means the appearance of a liquid from which the suspended solids have been removed;
  - (h) "combined Sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
  - (i) "council" means the Municipal Council of the County of Cumberland;
  - (j) "domestic waste" means waste derived principally from dwellings;
  - (k) "effluent" means treated wastewater flowing out of a treatment plant;
  - (l) "engineer" means the Engineer of the Municipality and includes a person acting under the supervision and direction of the engineer;
  - (m) "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;
- (n) "holding tank" means a closed watertight receptacle that is designed and used to receive and store sewage prior to collection by a septic tank cleaner for disposal at an approved off-site location;
  - (o) "industrial premises" means an area of land with or without buildings or structures on which activities pertaining to industry, manufacturing, commerce, trade, business or institutions are carried out as distinguished from domestic dwellings;
  - (p) "inspector" means a person authorized by the Municipality of the County of Cumberland to carry out observations and inspections and to take samples as prescribed by this By-Law;
  - (q) "lot" means a parcel of land described as a lot in a valid deed, recorded at the Registry of Deeds, or as shown on an approved final plan of subdivision, or recorded at the Registry of Deeds.
  - (r) "matter" includes any solid, liquid, or gas;
  - (s) "municipal sewer" means a sewer controlled by the Municipality of the County of Cumberland"
  - (t) "municipality" means the Municipality of County of Cumberland or the area contained within its municipal boundaries, as the context requires;
  - (u) "natural outlet" means any outlet from a natural watercourse into another watercourse, pond, ditch or lake, or other body of surface or ground water;
  - (v) "on-site sewage disposal system" means
    - (i) a septic tank and a disposal field,
    - (ii) a holding tank,
    - (iii) a privy, or
    - (iv) a system, other than one described in sub clauses (i), (ii) or (iii), that meets specifications established or adopted by Nova Scotia Environment and is not directly connected to a municipal system or an approved central sewage collection and treatment system, but does not include a wastewater treatment facility;
  - (w) "owner" includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building; and in case of the absence or incapacity of the person having title to the land or building a trustee, an executor, an administrator, a guardian, an agent, a mortgagee in possession or any other persons having the care or control of the land or building and in absence of proof to the contrary, the person assessed for the property;
  - (x) "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 such tissue;
  - (y) "person" means any individual, firm, company, association, society, corporation or group;
  - (z) "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";
  - (aa) "phenolic compounds" means hydroxyl derivatives of benzene and its condensed nuclei, concentrations of which shall be determined by "Standard Methods";
  - (bb) "private wastewater facilities" means wastewater facilities that are privately owned and serving two or more properties;
  - (cc) "professional engineer" means a registered member in good standing of the Association

of Professional Engineers of Nova Scotia;

- (dd) "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;
- (ee) "public sewer" means a sewer which is owned and maintained by the Municipality of the County of Cumberland;
- (ff) "sanitary sewer" means a sewer receiving and carrying liquid and water-carried wastes and to which storm, surface or groundwaters are not intentionally admitted;
- (gg) "sewage" means the combination of liquid and water-carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present;
- (hh) "sewer" and "sewer works" means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, clearwater sewers, storm drains and combined sewers vested in, or under the control of, the Municipality;
- (ii) "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 or any publication by or under the authority of the Canadian Standards Association deemed appropriate by the Municipality;
- (jj) "storm sewer" means a sewer that carries stormwater and surface runoff water, excluding sewage operated by the municipality;
- (kk) "stormwater" means water from precipitation of all kinds, and includes water from the melting of snow and ice, groundwater discharge and surface water;
- (ll) "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge or square and includes the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in this Act;
- (mm) "suspended solids" means insoluble matter than can be removed by filtration through a standard glass fibre filter as provided by "Standard Methods";
- (nn) "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;
- (oo) "waste" means any material discharged into wastewater facilities;
- (pp) "wastewater" means any liquid waste containing animal, vegetable, mineral, or chemical matter in solution or suspension carried from any premises;
- (qq) "wastewater facilities" means the structures, pipes, devices, equipment, processes or other things used, or intended to be used, for the collection, transportation, pumping or treatment of sewage and disposal of effluent, which are operated by the Municipality;
- (rr) "water utility" means any water utility or public water supply system operated by the Municipality of the County of Cumberland;
- (ss) "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 man-made surface feature intended to convey or contain water, whether it contains or conveys water or not; and
- (tt) "year" means the fiscal year of the Municipality of the County of Cumberland.

**Notification**

3. For the purposes of this By-Law, any notice or communication required to be given to a property Owner shall be deemed to be adequately and properly given if mailed by regular mail to the address appearing on the current assessment roll of the Municipality, or if delivered by hand to that address, and in the case of the Inspector, Engineer, or Municipality, if mailed by regular mail to, or if delivered by hand to that address to the Municipal Clerk of the Municipality at the offices of the Municipality.

Any notice or communication sent by regular mail shall be deemed to have been received seven days after having been mailed.

**Appeals**

4. Any right of Appeal provided in the By-Law may be exercised by the Owner or person effected giving written notice to the Engineer of the intention to appeal and the nature of the decision, notice or other matter being appealed. The Clerk shall fix a date for the hearing of the Appeal by Council. The hearing of the Appeal shall be as timely and informal as circumstances permit, and shall respect the principals of natural justice including the right to be heard.

**Inspection**

5. For the purpose of the administration of this by-law, pursuant to Section 503 of the Municipal Government Act, the Inspector may, upon production of his identification, enter any industrial premises and have free unimpaired access, to observe, to measure the flow of wastewater to any sewer and to collect any samples required at reasonable times.

**Pretreatment**

6. Where pre-treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously and satisfactorily in effective operation by the Owner at his expense.

**Damage To Facilities**

7. No person shall break, damage, destroy, deface or tamper or cause permit the breaking, damaging, destroying, defacing or tampering with:
  - (a) any part of the wastewater facility or storm sewer system; or
  - (b) any permanent or temporary device installed in the wastewater facility or storm sewer system for the purpose of pumping, measuring, sampling and testing of wastewater.

**Work On Facilities**

8. No work shall be carried out on any sewer or wastewater facility other than by the authority of the Engineer.

**Closing Private Sewers or Drains**

9. Council shall have the power to stop and close up and prevent from discharging into the wastewater facilities, 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. Council shall not cause any sewer to be closed up pursuant to this sub-section unless the Owner of the sewer is first notified and given an opportunity to be heard by Council.

**Offences**

10. 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 year.

**Part II - Sewer Charges**

**Sewer Service Charge**

11. Every Owner of land:

- (a) on which any building is connected to a wastewater facilities;
- (b) that fronts on any street or highway in which a sewer is situate;
- (c) that fronts on any right of way in which a sewer is situate; or
- (d) on which a building is situated that council has ordered connected to a wastewater facilities;

shall pay to the Municipality an annual "Sewer Service Charge" for the provision of central sewer service which will cover the cost of construction, operation and maintenance of all wastewater facilities owned and operated by the Municipality. The Sewer Service Charge shall be collected as an "Area Rate" as described in the Municipal Government Act.

**User Unit Value**

12. (1) The Municipality shall assign a User Unit Value to every lot of land

- (a) on which any building is connected to a wastewater facilities;
- (b) that fronts on any street or highway in which a sewer is situated;
- (c) that fronts on any right of way in which a sewer is situated; or
- (d) on which a building is situated that council has ordered connected to a wastewater facilities;

as outlined in Schedule "A".

- (2) The User Unit Value assigned a lot by the Engineer pursuant this section may be appealed to Council within 30 days of notice.
- (3) The User Unit Value assigned a lot by the Engineer pursuant this section may be reviewed as deemed necessary by the Engineer and/or as usage of said lot changes.
- (4) Lot Owners shall be notified in writing of any changes in assigned User Unit Values.
- (5) All properties situated at the upper end or termination of any such wastewater facilities shall be assigned the same user unit value as if the wastewater facilities 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 18.3 meters 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.
- (6) Any corner property where a wastewater facilities 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 (provided that such side does not exceed 22.9 meters in length.) In cases where this length is exceeded, a deduction equal to 22.9 meters shall be made.
- (7) Where the Owner is dissatisfied with the frontage applied to his property to which the Sewer Service Charge shall apply, the Owner shall cause the frontage to be determined and certified by a Nova Scotia land surveyor, and the certificate of any such Nova Scotia land surveyor, shall determine the length of frontage for the purpose of this by-law.
- (8) Where a lot upon which a building has been constructed has more than 61 meters of frontage, that lot shall be subject to an additional sewer service charge calculated as if that portion of the frontage in excess of 61 meters were a lot upon which no building has been constructed.

**Calculation of Uniform Sewer Charges**

13. The Municipality shall annually calculate the Sewer Service Charge for the provision of centralized sewer service by wastewater facilities owned and operated by the Municipality. The total annual budgeted costs for these facilities will be equally cost shared by the total number of equivalent user units within the County. Equivalent User Units are set out in Schedule "A" of this By-Law.

**Capital Charges**

14. In the event that Council receives a petition or for other reason determines the requirement for the installation of a new sewer system or the extension of an existing sewer system, the merits and financial estimates of each project will be reviewed on a case by case basis. No portion of the capital construction cost of a new system or an extension of an existing system will be funded by existing system reserves. Any portions of a new system not funded by senior government, County Council or other funding agency shall be charged to the new system's users in the form of an area rate or local improvement charge and shall be in addition to the Uniform Sewer Charges applied to the property upon completion.

**Exemptions**

15. (1) An Owner of land that fronts on any street or highway in which a sewer is situated, or that fronts on a right of way which connects to such a street or highway, is not liable to pay the sewer service charge if the Engineer certifies that where the size, dimensions, or topography of a property or portion thereof are such that a building or structure could not be built or developed thereon due to the provisions of any by-law of the Municipality or other regulations pertaining to the property.
- (2) A decision of the Engineer pursuant to this section may be appealed to Council.
- (3) The property occupied as a cemetery shall be exempt from the payment of a sewer service charge.
- (4) Where any land is classified as "Resource Property" for the purposes of property tax assessment, as shown on the Tax Roll for the current year, it shall be exempt from the payment of the sewer service charge.
- (5) A lot upon which no building has been constructed which has less than the minimum frontage or area for a lot served by wastewater facilities, or a lot served by both sewer and water, as the case may be for the lot in question, as required by the Land Use By-law, for development for residential or commercial purposes, is exempt from the sewer service charge.

**Initiation of Charges**

16. (1) Sewer service charges shall be levied on the Owners of all properties liable to pay the same commencing in the year following the year in which a sewer has been installed.
- (2) For the purposes of this by-law, a sewer has been installed when the Engineer has certified to the Council that the facility or project of which the sewer forms part is substantially complete.
- (3) The Engineer shall forward a notice to each person who would be liable for the payment of a sewer service charge, that a sewer has been installed.

**Collection**

17. (1) The sewer service charge shall be billed annually in conjunction with annual municipal taxes.
- (2) The sewer service charge, if not paid by due date, shall bear interest at the same rate as charged on unpaid taxes.

**Liens**

18. (1) The sewer service charge is a lien on the whole of the property subject to the sewer charge in the same manner and with the same effect as rates and taxes under the Assessment Act.
- (2) The sewer service charge and interest thereon may be sued for and collected in the same manner as other rates and taxes.
- (3) Land is liable to be sold for unpaid sewer service charges in the same manner and with the same effect as for unpaid rates and taxes pursuant to the Assessment Act.

**Sewer Connection Charge**

19. (1) Any land Owner connecting to municipal sewer, where a building service connection is not constructed to the property line, shall pay a flat connection fee as established by policy. Upon the installation of the building service connection by the Municipality, the user unit value, as prescribed in section 12, shall be assigned to the property the following and subsequent fiscal years, as if the property were developed, regardless of whether or the property is developed or not.
- (2) In lieu of the Municipality installing the building service connection the Owner of a property may contract these services privately provided the following conditions are met:
- (a) the Contractor submits to the Engineer a valid Letter of Good Standing issued by the Province of Nova Scotia Workers Compensation Board;
  - (b) the contractor submits proof of general liability insurance;
  - (c) the Contractor provides documentation of related work experience in this field;
  - (d) the Owner obtains a "Breaking of Soils Permit" from the Nova Scotia Transportation and Infrastructure Renewal and provides a copy to the Engineer;
  - (e) the Contractor conducts all work in accordance with the Nova Scotia Transportation and Infrastructure Renewal, Nova Scotia Environment, Canadian Plumbing Code, Standard Specifications for Municipal Services, this by-law, and good engineering practices;
  - (f) the Owner pays a flat inspection fee to the Municipality for the cost of inspection services as established by policy
  - (g) the Contractor gives one week written notice to the Engineer prior to the installation;
  - (h) the Owner indemnifies the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building service connection;
  - (i) the Contractor does not cover any portion of the installation without approval of the Engineer or his appointed representative;
  - (j) the Contractor completes all work within 14 days of the installation. The Municipality, at the Owner's expense, will conduct work not completed within this time frame as well as any work found to be unsatisfactory to the Engineer these costs will be collected in the same manner as taxes and may form a lien on the property; and
  - (k) the owner executes a letter of undertaking associated with the work that includes the above conditions and additional site specific conditions as may be required by the Engineer.
- (3) The Municipality shall be responsible for any part of a building service connection that is in a public street, highway or sewer easement upon satisfactory completion of the construction of that building service connection.

**Subdivisions**

20. Any proposed extension of wastewater facilities to service a subdivision shall comply with the requirements of the Subdivision By-law of the Municipality.

**Part III - Sewer Construction and Connections**

**Construction of Municipal Sewers**

21. (1) Whenever the majority of the Owners of property in any designated area of the Municipality shall petition the Municipal Council for the construction of a public or common sewer, then the Municipal Council may, unless for sufficient reason to the contrary, order the same to be constructed.
- (2) Every petition for a public or common sewer shall be in a form acceptable to the Engineer which clearly states the locality in which the new sewer is required, and the points between which the petitioners are desirous of having the same constructed; the name, civic address, and phone number of each petitioner.
- (3) When the Municipal Council deems it necessary that a sewer or any part of a public sewer system, including treatment facilities, trunk sewers, drains and outfalls and any lands that may be required therefore, be acquired and 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 works to be constructed and land to be



acquired and all the provisions of the By-Laws relating to and regulating the use of public sewers in force in the Municipality be and are hereby made applicable to any sewer constructed by virtue of such resolution.

- (4) The Municipal Council may by resolution order the repair or improvement of drains or sewers existing in any road or wastewater facilities, area or portion of the Municipality, whenever the same shall be considered necessary or desirable, and to lay out, excavate and complete a sewer in any area of the Municipality and perform any other work necessary to be done in connection therewith.

### **Connection Requirement**

22. (1) The Owner of a building, the nearest part of which is not more than 61 meters from the right-of-way in which a sanitary sewer is constructed shall be required at the Owners expense to construct a building service connection therefrom and connect the same to the said sewer; provided, however, the Engineer may exempt any such building that appears:
  - (a) to be adequately served with an existing on-site sewage disposal system that has been approved by Nova Scotia Environment; or
  - (b) would not be adequately served by connection to the wastewater facilities.
- (2) The Council shall not require an Owner to connect to a municipal sewer until service from said sewer has been available to the property for one year.
- (3) The Engineer may give notice in writing to an Owner of a building that may be served by a sewer requiring that Owner, within the time specified in the notice, to connect the building to the municipal sewer.
- (4) Upon receipt of a notice from the Engineer requiring a connection, the Owner shall, within the time specified in the notice, cause the property to be connected to the municipal sewer by a building service connection.
- (5) Where the Owner of a property is notified by the Engineer, pursuant to a By-Law or an enactment, to remove or close up a cesspit, septic tank, privy or on-site sewage disposal system on the property, and the Owner fails to comply with the notice, or where the Owner of a property fails to comply with a notice requiring the construction of a building service connection in accordance with this By-Law, the Engineer may cause to be done all work necessary for compliance with the notice.
- (6) The Engineer may require, as a part of the work necessary for compliance, the installation of a suitable water closet and its connection with a municipal sewer.

### **Connection Specifications**

23. Every person connecting to a wastewater facilities shall construct the service connection according to requirements of the National Building and Plumbing Codes, Standard Specifications for the Installation of Municipal Services, Nova Scotia Environment, Nova Scotia Transportation and Infrastructure Renewal and the Municipality's policy respecting "Sewer Service Connection Standards and Specifications".

### **Service Connection**

24. (1) No person shall uncover, make any connection with or opening into, repair, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permission from the Engineer.
- (2) No person shall connect any private sewer or building sewer to a municipal sewer or modify any existing connection without first filing with the Engineer the Municipality's "Application to Construct or Modify a Building Service Connection" and obtaining permit to do so. The permit application shall be supplemented by any plans, specifications, and other information as is deemed necessary by the Engineer and in accordance with good engineering practices.
- (3) No connection to a municipal sewer shall be made except under the supervision of the Engineer or his representative.
- (4) Existing building service connections may be used in connection with new buildings

only when they are found, on examination and test by the Engineer to meet all the requirements of this By-Law.

- (5) The Engineer, at his discretion, may require an Owner to either repair, reconstruct or replace a building service connection, if, in his opinion, it has failed or malfunctioned or is in danger of doing so.
- (6) If a building service connection is not laid, built and connected with the municipal sewer or any other work in connection with the building service connection is not done to the satisfaction of the Engineer, the Engineer shall, in writing, notify the Owner of the property served or to be served by the building service connection to that effect, specifying in what particulars the work is unsatisfactory. If the Owner fails to perform the work to the satisfaction of the Engineer within seven days from the receipt of the notice, the Engineer may perform the necessary work at the Owner's expense which may be collected in the same manner as taxes and form a lien on the property.
- (7) 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 carried by such building drains shall be lifted by a means approved by the Engineer, and in accordance with good Engineering practices, and discharged to the sewer service connection, at no expense to the Municipality.
- (8) A separate and independent building service connection shall be provided for every building lot. Multiple buildings may utilize a common building service connection if all the following conditions are met:
  - (a) All buildings utilizing a common building service connection are located in whole on a single building lot.
  - (b) Provisions have been made, that are satisfactory to the Engineer, to prevent backflow conditions in the buildings utilizing a common building service connection.
  - (c) Provisions have been made, that are satisfactory to the Engineer, to allow for mechanical cleaning of the common building service connection.
  - (d) Prior to installation, the owner must submit a scaled site plan including: property boundaries, easements, proposed and existing building locations, driveway(s), and other topographical features of the lot relevant to the installation as well as the proposed building service connection arrangement, proposed pipe sizes, slopes and connection details.
  - (e) The owner must submit detailed "fixture unit" calculations as described in the current edition of the Canadian Plumbing Code for each building in a form acceptable to the Engineer.
  - (f) The owner of a common building service connection is responsible for all repairs and maintenance of the entire building service connection up to the Nova Scotia Transportation and Infrastructure Renewal right of way.
  - (g) All charges as described in this By-Law shall apply to all buildings utilizing a common building service connection as if each building had an independent building service connection.
  - (h) Prior to subdividing a lot where two or more existing buildings utilize a common building service connection, the owner must install separate and independent building service connections for each proposed lot on which an existing building is located, and must acquire and record easements in compliance with sub-section (12) below for any portions of the building service connections not within the same lot as the building they service.
- (9) All excavation within the Nova Scotia Transportation and Infrastructure Renewal right-of-way shall meet all regulations and specifications of that Department.
- (10) The person to whom a permit has been issued, or his authorized agent or successor, shall notify the Engineer when the subject sewer service connection is ready for inspection and connection to the public sewer.
- (11) The inspection shall be made within 14 days of the receipt of notice. No portion of the works shall be covered until authorized by the Engineer on expiry of the above period. If

works or any portion thereof are not in compliance with this By-Law, a notice shall be given to the Owner in respect of the unsatisfactory portion of the works, and all of the above provisions respecting period of notice, time limit for inspection, operation of the building service connection, burial of underground works, and correction of unsatisfactory works shall be thereby renewed.

- (12) Where a building service connection is not to be installed in whole on a single building lot or is installed in a right of way, the owner of that building lot shall obtain and record at the Land Titles Registry Office a legal easement to allow for the installation and maintenance of the proposed building service connection prior to its installation. A copy of this easement must be filed with the Engineer prior to commencing the installation.
- (13) If works, or any portion thereof, are not complete or in compliance with this By-Law when a scheduled inspection is conducted, the owner shall be charged a re-inspection fee as established by policy for each additional inspection.

### **Repairs**

25. (1) Where a building service connection or special sewer connection is causing a municipal sewer to malfunction and repairs to the connection would result in the malfunction being cured, the Engineer may require the Owner of the property in which any portion of the connection which requires repairs is located to complete the repairs within a specified time.
- (2) Where the repairs required are not completed by the Owner within the time specified, the Engineer may cause the repairs to be completed, and the Municipality may recover the costs in the same manner as other charges or rates under this By- law.
- (3) In the event an existing building service connection becoming blocked the Owner of the property will employ a qualified person to assess and attempt to clear the blockage. If the qualified person determines the blockage cannot be cleared using industry standard mechanical cleaning equipment the Owner shall notify the Municipality of the blockage including measurements indicating the approximate location of the blockage. If the blockage exists within the Nova Scotia Transportation and Infrastructure Renewal right-of-way, the Municipality will attempt to clear the blockage as per section 25 (4).
- (4) In the event that the blockage cannot be cleared as per sub-section (3) and is the result of a construction deficiency, the Municipality will reimburse the owner the costs associated with employing the qualified person upon submission of an invoice and proof of payment up to a maximum of \$250.00.
- (5) The Municipality works department will only respond to a blockage within the Nova Scotia Transportation and Infrastructure Renewal right-of-way of building service connections during regular business hours of the Municipality with the following exceptions:
  - (a) a sewer serving, a hospital, police station, school or other publicly owned facility where a failure of the sanitary sewer poses an immediate and significant hardship for the occupants.

### **Abandoned On Site Services**

26. Where a building has been connected to the wastewater facilities or the Council has ordered a building to be so connected, the Council may by resolution order any septic tank, cesspool, privy or on-site sewage disposal system on the property to removed or filled with suitable material in a manner acceptable to Nova Scotia Environment.

### **Storm Sewage**

27. No person shall connect any storm sewer to any sanitary sewer.

### **Disconnection**

28. (1) Whenever any sewer service connection is abandoned, the Owner shall effectively cap the connection at the property line so as to prevent sewage from backing up into the soil, or solid materials being washed into the sewer.
- (2) The capping must be inspected and a certificate of approval be issued by the Engineer before it is covered.

- (3) Where the Owner or the Owner's agent covers in a capped sewer connection before it is inspected and a certificate of approval issued, the Engineer may open it for the purpose of inspection and the Municipality may recover the costs in the same manner as other charges or rates under this By- law.
- (4) Where the Owner does not effectively cap a sewer service connection as required under the provisions of sub-section (1) within seven (7) days from receipt of a notice from the Engineer, the Engineer may cause the same to be done and the cost of such work may be recovered and the Municipality may recover the costs in the same manner as other charges or rates under this By- law.
- (5) Where the owner of a building intends to change the usage of the building where the new usage would not require sewer services (eg. storage building) the following steps are required:
  - (a) obtain approval for the change in usage including a development permit from the Municipality;
  - (b) remove all plumbing fixtures and waste piping from the building; and
  - (c) follow the procedure set out in section 28 above for disconnection of the building service connection a minimum 1.2 meters outside the foundation of the building.

#### **Liability**

29. The Owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service connection.

#### **Part IV - Sewer Discharge**

##### **Discharges to Combined and/or Sanitary Sewers:**

30. (1) Except as otherwise provided in this By-Law, no person shall discharge, release, suffer or cause to be discharged into any sanitary sewer, combined sewer, public or private connections to any sanitary sewer or combined sewer any of the following:
- (a) any material that may cause a nuisance, and without limiting the generality of the foregoing, hydrogen sulphide, mercaptans, carbon disulphide, other reduced sulphur compounds, amines, ammonia, trichloroethylene, sulphur dioxide, formaldehyde, chlorine, bromine, or pyridine, in such a quantity that an offensive odour could emanate from a wastewater facility or could cause a nuisance;
  - (b) any quantity of matter capable of obstructing the flow in or interfering with the proper operation of any part of a wastewater facility, and without limiting the generality of the foregoing, any such quantity of ashes, cinders, sand, potters clay, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, or cellulose;
  - (c) punch 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;
  - (d) animal fat or flesh in particles larger than will pass through a 6 millimeter screen;
  - (e) sewage containing pathological or medical wastes;
  - (f) the contents of septic tanks, holding tanks or wastes from marine vessels or vehicles;
  - (g) sewage that has any corrosive property that could be hazardous to structures, equipment or personnel;
  - (h) inflammable or explosive matter; and without limiting the generality of the foregoing, gasoline, benzene, naphtha or fuel oil or wastewater containing any of these in any quantity;
  - (i) wastewater or uncontaminated water having a temperature in excess of sixty (60) degrees Celsius;
  - (j) 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 wastewater facilities or personnel of the wastewater facilities;
  - (k) wastewater containing dyes or colouring materials which pass through a wastewater facility and discolour the wastewater facility effluent;
  - (l) 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 Milligram/Litre
Barium (Ba)	5 Milligrams/Litre
Beryllium (Be)	5 Milligrams/Litre
Bismuth (Bi)	5 Milligrams/Litre
Cadmium (Cd)	0.1 Milligram/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)	10 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 Milligrams/Litre
Phosphorus (P)	30 Milligrams/Litre
Sulphates expressed as SO <sub>4</sub>	1500 Milligrams/Litre
Sulphide expressed as H <sub>2</sub> S	2 Milligrams/Litre
Selenium (Se)	- 5 Milligrams/Litre
Silver (Ag)	2 Milligrams/Litre
Tin (Sn)	5 Milligrams/Litre
Zinc (Zn)	3 Milligrams/Litre

- (m) wastewater of which the BOD exceeds three hundred (300) milligrams per litre;
  - (n) wastewater containing more than three hundred fifty (350) milligrams per litre of suspended solids;
  - (o) wastewater of which the COD exceeds one thousand (1000) milligrams per litre.
  - (p) 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;
  - (q) any wastewater or constituent within that results in inhibitory or damaging chemical reactions within the collection, transmission, or treatment facility.
  - (r) radioactive materials except as may be permitted under the Atomic Energy Control Act, RSC 1952, Chapter 11 (or the most recent Act) and amendments thereto and regulations thereunder; or
  - (s) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulphate).
- (2) Without limiting any of the foregoing, no person shall discharge or cause to be discharged any waters or wastes containing substances which are not amenable to treatment or reduction of the sewage by treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirement of the agencies having jurisdiction over discharge to the receiving waters.
  - (3) The presence in wastewater of each of the matters in sections 31, 32 and 33 in a concentration in excess of its limits constitutes a separate offence.
  - (4) No person shall dilute wastewater to achieve compliance with this By-Law.
  - (5) No person shall discharge or cause to be discharged any sanitary sewage to any storm sewer.
  - (6) No person shall injure, break, block or remove any portion of a wastewater facility or its appurtenances.
  - (7) Where pre-treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously and satisfactorily in effective operation by the Owner at their expense.

**Discharges to Storm Sewers**

31. (1) Except as otherwise provided in this By-Law, no person shall discharge, release, place or cause to be placed, any substance other than stormwater or uncontaminated water into a storm sewer.
- (2) It shall be unlawful to discharge to any natural outlet within the Municipality, or in any area under the jurisdiction of the said Municipality, any sanitary or storm sewage except where suitable treatment has been provided in accordance with the provisions of this By-Law.

**Prohibition**

32. No person shall:
  - (a) Permit stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water or industrial process waters to be discharged into a sanitary sewer;
  - (b) Connect a sump pump to a sanitary sewer;
  - (c) Permit any contents of a septic tank, holding tank or cesspit to be discharged into a municipal sewer except with the express permission of Council.

**Special Agreements**

33. Notwithstanding any provisions in this By-Law, the Municipality may enter into a special written agreement with any industrial or commercial concern or institution whereby an industrial or institutional waste of unusual strength,-volume, or character may be discharged to a wastewater facility, subject to payment therefore, and any other terms and conditions satisfactory to the Municipality.

**Requirement for Interceptors**

34. (1) The Engineer may require an Owner of land that is connected to wastewater facilities or a stormwater system of the municipality to provide grease, oil and sand interceptors.
- (2) All interceptors shall be of a type and capacity approved by the Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.
- (3) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place are gastight and watertight.
- (4) Where the interceptors required are not provided by the Owner within the time referred to in the notice, the Engineer may cause the interceptors to be provided and the Municipality may recover the costs in the same manner as other charges or rates under this By- law.

**Sampling and Analysis**

35. (1) If required by the Engineer, the Owner or operator of industrial premises with one or more connections to a sewage works shall install and maintain in good repair in each connection a suitable manhole to allow observation and sampling of the wastewater and measurement of the flow of wastewater therein, provided that where installation of a manhole is not possible, an alternative device or facility may be substituted with the written approval of the Engineer.
- (2) The manhole or alternate device shall be located on the property of the Owner or operator of the premises, unless the Engineer has given written approval for a different location.
- (3) Every manhole, device or facility installed as required by sub-section 1 shall be designed and constructed in accordance with good Engineering practice and the requirements of the Engineer, and shall be constructed and maintained by the Owner or operator of the premises at his expense.
- (4) The Owner or operator of industrial premises shall at all times ensure that every manhole, device or facility installed as required by sub-section 1 is at all times accessible for purposes of observing and sampling the wastewater and measuring the flow of wastewater therein.

- (5) Where a sample is required for the purpose of determining the characteristics or contents of the wastewater, uncontaminated water or stormwater which is suspected to be out of compliance with this By-Law:
  - (a) one sample alone is sufficient and, without limiting the generality of the foregoing the sample shall be a composite sample, may contain additives for its preservation and may be collected manually or by using an automatic sampling device;
  - (b) except as otherwise specifically provided in this By-Law, all tests, measurements, analyses and examinations of wastewater, uncontaminated water and stormwater, shall be carried out in accordance with Standard Methods; and
  - (c) for each of the metals whose concentration is limited in this By-Law the analysis shall be for the quantity of total metal, which includes all metal both dissolved and particulate.
- (6) Where testing of a sample is required for the purpose of determining the characteristics of contents of the wastewater, uncontaminated water or stormwater to which reference is made in this By-Law, said testing shall be conducted in accordance with the method hereinafter described or by mechanical sampling devices.
- (7) When the Engineer believes that the strength or composition of wastewater from any industrial or commercial source is not adequately documented, may have changed, or may be in violation of this By-Law, the Engineer may conduct any sampling and analysis reasonably necessary to establish the characteristics of the wastewater, and all costs associated with the sampling and analysis shall be charged to the owner, may be collected in the same manner as Sewer Rates, and shall form a lien against the property in question in the same manner as Sewer Rates.

#### **Method of Sampling and Analysis**

36. The Inspector may from time to time conduct such tests as are deemed necessary at the manhole, or may enter the industrial premises and conduct the tests as deemed necessary to determine the characteristics and concentration of the effluent being discharged into the wastewater facilities or storm sewer system.

#### **Spills**

37. (1) Every person who discharges or deposits or causes or permits the discharge or deposit of any matter in any sewer that in nature or quantity is not in the ordinary course of events, shall forthwith notify the Municipality and Nova Scotia Environment;
- (2) For any of the discharges in sub-section (1) for which the person is required to forthwith notify the Municipality, the notification shall include the following information:
  - (a) name of the company and the address of the location of the spill;
  - (b) name of person reporting the spill and telephone number where that person can be reached;
  - (c) time of the spill;
  - (d) type and volume of material discharged and any associated hazards; and
  - (e) corrective actions being taken to control the spill.
- (3) Within five days following a spill, the person shall submit to the Municipality a detailed written report describing the cause of the spill and the actions taken or to be taken to prevent a recurrence.

#### **Reports**

38. (1) Any person who deposits, intends to deposit or permits or intends to permit the deposit of any wastes except domestic wastes into a sanitary or combined sewer shall file a Waste Survey Report with the Engineer.
- (2) The Waste Survey Report shall contain the following information and shall be signed by an authorized representative of the Owner or operator:
  - (a) name and address of the premises, and names of its Owner and operator;
  - (b) description of process operations, including waste discharge rates and contaminant concentrations, hours of operation and plans and reports certified by a professional Engineer indicating proposed industrial expansion, addition, new construction, or proposed pre-treatment works; and

- (c) a schematic process diagram indicating waste discharge points and waste descriptions.
- (3) The Waste Survey report shall be in the form approved by the Engineer.
- (4) Where a change occurs in the information contained in a Waste Survey Report, the Owner or operator of the premises shall submit the new information within 30 days of the change.
- (5) Where a change occurs in any information described in a Waste Survey Report, the Owner or operator of the premises shall submit a new Waste Survey Report setting out the changes.
- (6) No person shall deposit any wastes other than domestic waste in any sanitary sewer or combined sewer until:
  - (a) a Waste Survey Report has been filed with the Engineer; and
  - (b) the Engineer has confirmed that the wastes will comply with the requirements of this By-Law.

**Repeal**

39. All former Sewer By-Laws of the Municipality of the County of Cumberland are hereby repealed.

<b>Clerk's Annotation For Official By-Law Book</b>	
Date of first reading: <u>November 3, 2010</u>	
Date of advertisement of Notice of Intent to Consider: _____	
Date of second reading: _____	
*Date of advertisement of Passage of By-Law: _____	
Date of mailing to Minister a certified copy of By-Law: _____	
I certify that this SEWER BY-LAW was adopted by Council and published as indicated above.	
_____	_____
Municipal Clerk	Date
*Effective Date of the By-Law unless otherwise specified in the text of the By-Law	

**MOTION CARRIED #11-001**

8. **Correspondence**  
This item was deleted

9. **Planning Issues**  
This item was deleted

10. **Strategic Planning**  
This item was deleted

11. **Financial Reports/Issues**  
11.1 Recreation Grant – Council was advised that the RH Mini Basketball Association is requesting a grant in the amount of \$500.

**IT WAS MOVED by Councillor Gillis, seconded by Councillor Reid to provide a recreation grant in the amount of \$500 to the River Hebert Minor Basketball Association.**

**MOTION CARRIED #11-002**

12. **Operational Services/Reports Issues**  
12.1 Biggs Drive Wastewater Treatment Plant Construction - This has been commissioned and is operational. The project was on time and under budget. Warden Hunter thanked Mr. Streach for his diligence with this project and also to extend the Thanks to his Department as well.

13. **Committee/Other Reports**  
This item was deleted

14. **Old Business**  
14.1 Advocate Marsh Ditching - Councillor Merriam advised that he has received the response.



15. **New Business**

- 15.1 **Reaffirmation of Safety Policy** – Mr. Ferguson, Director of Policy and Research advised that Council is required to review and make any changes as appropriate. If Councillors do not see any changes then it would be appropriate to approve at this time.

**IT WAS MOVED by Councillor Redmond, seconded by Deputy Warden Kellegrew to reaffirm the Municipality of Cumberland’s Safety Policy.**

**MOTION CARRIED #11-003**

- 15.2 **Reaffirmation of Council OH&S Responsibilities** – Mr. Bugley, CAO, advised Council of the responsibilities and also had them previously circulated to Council.

**IT WAS MOVED by Councillor Reid, seconded by Deputy Warden Kellegrew to reaffirm Council’s responsibilities for OH&S.**

**MOTION CARRIED #11-004**

- 15.3 **Webcam** – Councillor Redmond requested support for the placement of a Weather WebCam to be installed on the top of Folly Mountain, between Wentworth and Masstown and for DOTIR to work in conjunction with Seaside Communications.

**IT WAS MOVED by Councillor Redmond, seconded by Councillor Read to forward correspondence to the Minister of Transportation and Infrastructure Renewal supporting the installation of a Weather Highway Webcam on the top of Folly Mountain, between Wentworth and Masstown in conjunction with Seaside Communications.**

**MOTION CARRIED #11-005**

16. **Information Items**

- 16.1 **Rotary Address** – Warden Hunter advised that he will be providing a Rotary Address next week and requested input from Council. Councillors wishing to provide information are requested to provide it to the CAO as soon as possible.

- 16.2 **Municipal Finance Corporation Questionnaire** – Warden Hunter requested all Councillors to complete the Questionnaire.

- 16.3 **Congratulatory to local business** – Councillor MacNutt advised that Bill Spur, a food critic with the Chronicle Herald, did a review of a restaurant named The Whirlygig (located in Wallace) and this restaurant received second place for best atmosphere of all restaurants reviewed in the past year. Councillor MacNutt would like a letter of congratulations sent to “The Whirlygig”

**IT WAS MOVED by Councillor MacNutt, seconded by Deputy Warden Kellegrew to forward congratulations to the owners of “the Whirlygig for receiving second place for “best atmosphere” of all restaurants reviewed in the past year by Bill Spur.**

**MOTION CARRIED #11-006**

17. **Adjournment**

The meeting adjourned at 1:34 p.m.

18. **God Save the Queen**