

#33

SEWERAGE BY-LAW 2-1970

TOWN OF OXFORD, NOVA SCOTIA

RESOLVED by the Town Council of the Town of Oxford that the following be and the same is hereby enacted;-

PART A

1. In this by-law, unless the context specifically indicates otherwise:

- a. "Building By-Law" means the building by-law of the town;
- b. "Building Service Connection" means any piping system that conveys sewage or liquid waste from any property to a public sewer;
- c. "Central Sewage Disposal "System" means a private sewage disposal system serving two or more properties;
- d. "Clerk" means the Clerk of the Town;
- e. "Collector" means the Collector of the Town;
- f. "Committee" means the sewer committee of the Council;
- g. "Council" means the Council of the Town;
- h. "Director of Assessment" means the Director of Assessment of the Regional Assessment Committee of Cumberland;
- i. "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, processing, storage or sale of fruit and vegetable produce and animal products;
- j. "Highway" means and includes (i) all allowances for Highways made by surveyors for the Crown; (ii) all Highways laid out or established under the authority of any statute; (iii) all roads on which public money has been expended for opening; (iv) all streets in the town; (v) all roads dedicated by the owners of the land to public use; (vi) every road now opened and used as a public road or highway or street; (vii) all alterations and deviations of, and all bridges on or along any road, street or highway; and (viii) all roads and streets shown as such on any plan approved by the Town planning Board;
- k. "Improve" includes to lay out, open, construct, repair, improve or maintain streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls;
- l. "Town Engineer" means the Engineer of the Town;
- m. "Owner" means and includes an individual person, firm, partnership, and joint tenant, of the whole or any part of any land or building, and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession or other person having the care or control of any land or building in can of the absence or disability of the person having title thereto;
- n. "Person" means and includes individuals, firms and corporations;
- o. "Private Sewage Disposal System" means any private system for sewage disposal serving one lot of real property;

- p. "Properly shredded garbage" means the waste from the preparation, cooking, and dispensing of food, and from handling, storage, processing and sale of produce, that have been shredded to such a degree that all particles will be carried freely under the flow of conditions normally prevailing in the sewers with no particles greater than one-half inch in any dimension;
- q. "Public Sewer" means a sewer controlled by the Town;
- r. "Registry of Deeds" means the Registry of Deeds at Amherst, Cumberland County., Province of Nova Scotia;
- s. "Sanitary Sewer" means a sewer receiving and carrying water borne wastes from residences, business buildings, institutions and industrial establishments, and to which storm, surface or ground waters are not intentionally admitted;
- t. "Sewage" means the combination of water carrying wastes from residences, business buildings, institutions, commercial establishments, and industrial establishments containing animal, vegetable or mineral matter in suspension or solution, together with such ground, surface or storm water as maybe present;
- u. "Sewer" means a pipe or conduit for carrying sewage and includes all sewer drains of every description vested in or under the control of the Town;
- v. "Sewerage" means the structure, devices, equipment, and appurtenances intended for the collection, transportation, pumping, treatment and disposal of sewage
- w. "Storm Sewer or Storm Drain" means a sewer receiving and carrying storm water and service run off water only;
- x. "Industrial Sewer" means a sewer receiving and carrying water borne wastes containing animal, vegetable, or mineral matter in suspension or solution, but excluding human faeces and urine, from commercial and processing establishments together with such ground, surface or storm water as may be present;
- y. "Street" means highway;
- z. "Development Plan" means a plan under the Planning Act of Nova Scotia;
- aa. "Subdivision Regulation" means the regulations under the Planning Act of Nova Scotia applicable to the Town;
- bb. "Town" means the Town of Oxford;
- cc. "Treasurer" means the Treasurer of the Town;
- dd. "Trunk Works" means all intercepting sewers, pumping stations, treatment plants and outfalls involved in conveyance and disposal of sewage from any part of the Town to its final disposal;

ee. "Water course" means any *channel...in-which a flow* of water occurs either continuously or intermittently;

PART B
ADMINISTRALTION AND CONTROL

2. (1) The Council shall appoint a Town Engineer pursuant to **the provisions of the Towns Act** and the provisions of the Towns Act shall apply mutatis mutandis to the Town Engineer;
- (2) The Town Engineer shall have the control of sewers., and drains of the Town and shall take charge of their building and repair and all matters in connection with the sewerage of the Town as pertaining to its construction and maintenance.
3. The Town Engineer may enter upon all properties for the purpose of inspection, observations., measurements., sampling., testing or work in accordance with the provisions of this By-Law at any reasonable hour.
4. The Council shall designate a public sewer to be:
 - (1) A sanitary sewer,
 - (2) An industrial sewer,
 - (3) A storm sewer,
 - (4) A combination of industrial and storm sewer.
5. No person shall injure and no person, not being an employee or agent of the Town acting in the course of his duties as such, shall remove any portion of any catch pit, receiving basin, grating., covering flag stone, or other cover of any catch pit or of any manhole, vent shaft'. or any other part of any sewer or drain,
6. Any person who violates or contravenes or fails to comply with the provisions of this By-law., is guilty of an offence and shall be liable upon summary conviction to a penalty not exceeding One Hundred Dollars and in default of payment to imprisonment not exceeding two months.

PART C
BUILDING SERVICE CONNECTIONS

7. (1) Application for connection to a sewer system shall be made in writing to the Council;
- (2) The application shall be in the form prescribed by the Council and shall be accompanied by any plans., specifications, or other information considered pertinent in the judgment of the Council;
- (3) No connection shall be made with any sewer or drain without the written approval of the Council.
8. (1) That part of every building service connection on private property and up to the street line or boundary line of a sewer right-of-way shall be constructed and maintained at the expense of the owner subject to the supervision of the Town Engineer and shall be of such size and at such level and descent and with such mode of piercing or opening into the sewer and generally in such manner and of such materials at the Town Engineer directs and no such building service connection shall be covered in until it has been inspected and approved by the Town Engineer.
- (2) The cost of constructing and maintaining the building service connection from the public sewer to the street line or boundary of right-of-way shall be paid by the Town.

- (3) If the owner or his agent covers in any building service connection before it has been inspected and a certificate of approval therefor issued, the Town Engineer may open the same for the purpose of inspection and the cost of so doing shall be a debt payable by the owner of the property to the Town and may be recovered by the Town in an action in any court of competent jurisdiction.
9. (1) Where the Council agrees to improve a street or lay a permanent sidewalk, the Council may require to be constructed that portion of a building service connection from the public sewer to the street line or boundary of right-of-way either before the construction has begun or during the progress of the construction .
 - (2) Where an abutting property has more than fifty feet of frontage on the street, the Council may require two or more building service connections to be constructed, provided that these building service connections shall not be less than fifty feet apart;
 10. (1) The owner of a property shall not construct a special sewer connection between his property and a sewer situated elsewhere than in the portion of the street on which the property immediately abuts unless he first obtains a permit from the Council so to do and thereafter constructs and maintains the connection to the satisfaction of the Council as hereinbefore provided.
 - (2) Before a permit may be issued under the provisions of subsection (1), the owner shall execute a document indemnifying and saving harmless the Town against any damage, loss or expense incurred by the Town as the result of the construction, existence or removal of the special sewer connection.
 - (3) When a sewer has been constructed in a street on which a property served by a special sewer connection abuts, the Council may require the owner to connect the property with the street sewer and remove the special sewer connection.
 11. (1) When any sewer connection is abandoned, the owner shall effectively block up the connection at the property line so as to prevent sewage from backing up into the soil, or dirt being washed into the sewer,
 - (2) Where the owner does not effectively block up a connection as required under the provisions of subsection (1) within seven days from the receipt of a notice from the Council requiring him so to do, the Council may cause the same to be done and the cost of the work caused to be done by the Council may be recovered as a debt by the Town from the owner in an action in any court of competent jurisdiction.

PART D
USE OF PUBLIC SEWERS

12. (1) Where a public sewer has been or is to be constructed in a street, the Council may give a notice in writing to any owner of property abutting on the street requiring him within a time specified therein to connect his building with the public sewer by a building service connection or to make any repairs, reconstruction or replacement of it.
 - (2) If
 - (a) any building connection is not laid and built and connected with the public sewer, or
 - (b) any other work in connection with the building service connection, is not done, then the Town may do such work and the costs thereof may be recovered as a debt by the Town from the owner in an action in any court of competent jurisdiction.

PART E
DISCHARGE INTO SEWERS

13. No person shall discharge, cause to be discharged or continue to discharge after the coming into force of this By-Law any storm water, ground water, roof run-off, sub-surface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer.
14. Except as hereinafter provided no person shall discharge, cause to be discharged, or continue to discharge after the coming into force of this By-Law any of the following into any drain or sewer or building service connection of the Town or into any drain or sewer or building service connection connecting with the drainage or sewerage system of the Town:-
- (a) any liquid or vapour having temperature higher than 150° F;
 - (b) any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas;
 - (c) any garbage other than "properly shredded garbage" as defined in Section 1 of this By-Law;
 - (d) noxious or malodorous gas or substance capable in the opinion of the Council of creating a public nuisance.
15. (1) Whenever the Council considers it necessary it may require any person who is the owner of land which is used for industrial or commercial purposes and which is connected to a drainage or sewer system of the Town to provide grease, oil and sand interceptors in order to provide for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand and other harmful ingredients.
- (2) All interceptors shall be of a type and capacity approved by the Town 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, water-tight, and equipped with easily removal covers which bolted in place shall be gas tight and water-tight.
16. (1) The Council may require the owner of any industrial or commercial property served by a building service connection to install a suitable control manhole in the building service connection to facilitate observation, sampling and measurement of the wastes,
- (2) The control manhole shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town Engineer.
 - (3) The control manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

PART F
PRIVATE SEWAGE DISPOSAL

17. When a public sewer becomes available to a property served by a private sewage system, the owner of the property, upon the receipt of a notice from the Council requiring such a connection, shall within thirty days after receipt of such notice connect his property by a building service connection to the public sewer in accordance with the provisions of this By-Law, and he shall cause any septic tank, cesspool, privy or private sewage disposal system on the property to be abandoned and filled with suitable material,
18. (1) The provisions of the preceding Sections 12 and 17 herein shall not apply to the owner of any dwelling house, apartment building, shop, store, office or other building the nearest part of which is more than sixty feet from any portion of the public sewer line, and.....
- (2) The Council shall exempt any building which appears to it:
(i) to be adequately served with sewer and drainage or
(ii) would not be adequately served by connection with the sewer of the Town.
19. (1) Where the owner of a property has been notified by the Council or any official of the Province under the provisions of any By-Law or regulation of the Town or any Act or regulation of the Province to remove or close up any cesspool, septic tank, privy or other private sewage system on his property. and fails to comply with the notice, or where the owner of a property fails to comply with a notice of the Council in accordance with the provisions of Section 12 and 17 of this By-Laws the Council may cause to be done all work necessary for compliance with the notice.
- (2) The Council may require as a part of the work necessary for compliance the installation of a suitable water closet and its connection with a public sewer,
20. No person shall discharge sewage anywhere except into a public sewer., private sewer system or central sewage disposal system.
21. No person shall construct a private sewage disposal system or cause the same to be done in any district or area to which the Building By-Law applies without first obtaining a written private sewage disposal permit thereof from the Council.
22. No person shall use, cause to be used or permit to be used any private sewage disposal system until its installation has been completed to the satisfaction of the Council,
23. No person shall cover in any portion of a private sewage disposal system before it has been inspected and approved by the Town Engineer.
24. No person shall construct or maintain a private sewage disposal system or cause the same to be done where the construction or maintenance does not conform to the provisions of this By-Law, or any other By-Law of the Town or any Act of the Province.

25. (1) The Council shall not issue a permit for the construction of a private sewage disposal system which is to employ subsurface soil absorption on facilities where the area of the lot upon which the private sewage disposal is to be constructed comprises less than six thousand square feet.

(2) The Council may require a percolation test to be conducted on any lot with respect to which an application has been made to construct a private sewage disposal system,

(3) The Council shall not issue a private sewage disposal permit unless the results of the percolation test are satisfactory.

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

27. Any person who applies for a private sewage disposal permit may before the issue thereof be required by the Council to produce an agreement executed by the owner of the land undertaking to indemnify and save the Town harmless against loss or damage due to improper operation and maintenance.

28. The owner shall operate and maintain the private sewage disposal system in a sanitary manner at no expense to the Town,

PART G
RATES AND CHARGES

29. (1) The Town shall each year rate and collect from each owner of property that uses and that is serviced by the public sewer system of the Town the special rates and charges applicable to each property according to the specific property classifications as set forth hereunder in subsection (6) for the purpose of defraying the cost of maintaining and operating the public sewer system for the said Town,

(2) The annual basic rate for use of the sanitary sewer shall be calculated at \$57.75 per unit. (1986 #54, S29-Eff. Jan. 1/87) (1987 eff. Jan. 2/88)

(3) Subject to the Schedule of rates set forth hereunder in subsection (6), the owner of all property classifications shall pay an annual minimum rate of \$57.75 for use and service of the sanitary sewer service,

(4) The special rates and charges to be charged for the use of the public sewer system of the Town shall become effective and commence on and from the date of the day this By-Law is approved by the Minister of Municipal Affairs and become effective.

(5) (a) All public sewer rates and charges shall become due and payable on the same date as ordinary rates and taxes of the Town., and shall constitute a lien on each respective property and the Town shall have the same rights and remedies for the collection of the said rates and charges and any interest thereon as are applicable to the collection of the ordinary rates and taxes of the Town,

(b) The said rates and charges may be paid in quarterly installments on the first day of January, April, July, and October each year; in default of payment of any installment on the due day for the payment thereof the subsequent installment or installments shall forthwith become payable.

(c) An additional charge for interest at a rate of 18 per cent shall be paid on all rates and charges remaining unpaid for thirty days (30) after the date such rates and charges or installment thereof become due and payable.

(d) The Council, in the event that the amount of rates and charges due and payable by the owner of property under this By-Law remain unpaid after the expiration of Sixty (60) days from the date such amount has become due and payable, shall have the power and authority to stop and prevent the use of the public sewer by such owner and to stop and prevent the discharge of sewage and water from the property of such owner into the public sewer of the Town and any such action to so stop and prevent the use of the public sewer of the Town shall not preclude the Town from any right to collect the amount and interest due and payable in the manner set forth in this By-Law.

SCHEDULE

SEWER RATES AND CHARGES

1. For Sanitary Sewer Service:-

Single family dwelling including trailers \$57.75

Multiple family dwelling and apartments per each separate dwelling or apartment..... \$43.31

Churches..... \$57.75

Hall, theaters and pool room..... \$57.75

Stores and offices per each employee, proprietor or proprietors..... \$ 5.78

Hotels, motels, boarding houses, and nursing homes, per each room utilized or available to be utilized for sleeping quarters by the proprietor, proprietors, staff, employees, and for rent.....\$14.44

Restaurants per each individual occupant seat \$5.75

Beauty parlors and barber shops per each chair.....\$14.44

Rinks per each toilet\$ 2.31

Minimum annual rate for property of the Oxford Agricultural Society.....\$202.12

Service stations per each washroom\$ 57.75

Schools per each employee, staff, and students\$ 2.31

Manufacturing and industrial plants per each staff member and employee.....\$ 5.75

Tourist trailer and camping courts, and parks, for each area of Two thousand square feet\$5.75

Laundries Per One thousand gallons of sewage as determined by metered water consumption\$1.16

For each industrial sewer service\$231.00
For each storm sewer service\$11.55
For each new service connection the actual cost of the installation or a minimum charge of \$55.00 which ever is the greater.

30 The Town Clerk shall keep separate accounts of all sewer rates and, charges and shall report annually to the Council the names of the property owners serviced by and using the public sewer of the Town and the amount due by each owner and the amounts which have been - collected pursuant to this By-Law

THIS IS TO CERTM that the foregoing is a true copy of a resolution duly passed at a duly called meeting of the Town Council of the Town of Oxford duly held and convened on the .29 day of October A. D, 1970.

CERTIFIED at Oxford in the County of Cumberland and Province of Nova Scotia this 5 day of November A. D., 1970

Norman H. Cole Town Clerk

AMENDMENT TO SEWERAGE BY-LAW NUMBER 2-1970

TOWN OF OXFORD, NOVA SCOTIA

BE IT RESOLVED by the Council of the Town of Oxford that the Sewerage By-law Number 2-1970 as passed by the Council on the 29th day of October 1970 and approved by the Minister of Municipal Affairs on the 23rd day of November, 1970, as amended, be further amended as follows, and that the Clerk be instructed to forward the same to the Minister of Municipal Affairs with the request for his approval thereof:

1. That Section 29, sub-section (2) be amended effective on and after

the 1st day of April 1994 by striking out after the dollar sign the number 150.00 in the second line thereof and substituting therefor the number 200.00.

2. That Section 29, sub-section (3) be amended effective on and after the 1st day of April, 1994 by striking out after the dollar sign the number 150.00 and substituting therefor the number 200.00 in the third line thereof.

3. That the whole of the schedule under the heading of "Sewer Rates and Charges" following Section 29, sub-section (5), paragraph (d) be amended effective on and after the 1st day of April, 1994 by striking out the whole of the schedule after the heading "Sewer Rates and Charges" and substituting therefor the following new schedule of sewer rates and charges:

All properties shall be classified and shall pay the annual rates and charges set forth as follows:

(A) For Sanitary Sewer Service:

Single family dwelling including trailers	200.00
Multiple family dwelling and apartments per each separate dwelling or apartment	150.00
Churches	200.00
Hall, theaters and pool rooms	200.00
Stores and offices per each employee, proprietor or proprietors	20.00
Hotels, motels, boarding houses, and nursing homes, per each room utilized or available to be utilized for sleeping quarters by the proprietor, proprietors, staff, employees, and for rent	50.00
Restaurants per each individual occupant seat	19.95
Beauty parlors and barber shops per each chair	50.00
Rinks per each toilet	8.00

Minimum annual rate for property of the Oxford Agricultural Society	700.00
Service Stations per each washroom	200.00
Schools per each employee, staff, and students	8.00
Manufacturing and industrial plants per each staff member and employee	19.95
Tourist trailer and camping courts, and parks, for each area of two thousand square feet	19.95
Laundaries per one thousand gallons of sewage as determined by metered water consumption	4.00
(B) For each industrial sewer service	800.00
(C) For each storm sewer service	40.00
(D) For each new service connection the actual cost of the installation or a minimum charge of \$200.00 which ever is the greater".	

THIS IS TO CERTIFY that the foregoing is a true copy of the resolution passed at a duly called meeting of the Town Council of the Town of Oxford, held and convened on the 18th day of October, 1993, after due notice of motion in writing given two weeks and more prior thereto.

CERTIFIED at Oxford in the County of Cumberland and Province of Nova Scotia, this 18th day of October, 1993.

Harris M. McCormack, Town Clerk

