

BY-LAW NUMBER 36
OF THE
TOWN OF LOCKEPORT
PUBLIC SEWERS

BEING A BY-LAW regulating the use of public and private sewers, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems and providing penalties for violations thereof.

PART ONE
DEFINITIONS

1. Unless the context specifically states otherwise, the meaning of terms used in this By-Law shall be as follows:
 - (a) "Building Sewer" shall mean a sewer which is located on private property and which connects the building drainage system or the building sanitary conveniences to the sanitary sewer storm sewer or combined sewer or other place of disposal.
 - (b) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
 - (c) "Inspector" shall mean any sanitary inspector, public health inspector or any person who is authorized by the Town of Lockeport to carry out inspections or investigations on behalf of the Town of Lockeport as may be required under this By-Law.
 - (d) "Council" shall mean the Council of the Town of Lockeport.
 - (e) "Town" shall mean the duly elected officials of the Town of Lockeport acting in Council.
 - (f) "Natural Outlet" shall mean any outlet into a ravine, gulch, watercourse or the bed thereof, whether the same usually contains water or not, or any stream, river, creek, ditch, lake or other body of surface or groundwater.
 - (g) "Polluted" shall mean altered physical, chemical, biological or aesthetic properties of the natural waters of the area, including change of the temperature, taste, or odor of the waters, or the addition of any liquid, solid, radioactive, gaseous or other substance to the waters or the removal of such substances from the waters, which will render or is likely to render the waters harmful to the public health, safety or welfare, or harmful or less useful for domestic, municipal, industrial, agricultural, recreational or other lawful uses, or for animals, birds or aquatic life.
 - (h) "Public Sewer" shall mean a sewer which is located on public property and which is owned and maintained by the Town of Lockeport.
 - (i) "Sanitary Sewage" shall mean water-carried wastes from residences, commercial buildings or premises, institutions and industrial establishments, but excluding storm sewage, as herein after defined.
 - (j) "Sanitary Sewer" shall mean a sewer which carries sanitary sewage, as defined hereafter, and to which storm, surface and ground water are not intentionally admitted.
 - (k) "Sewer" and "Sewage Works" shall mean all sewers, sewer systems, sewage pumping stations, sewage treatment plants and other works for the collection, acceptance, transmission, treatment and disposal of sewage or for any one or more of them.
 - (l) "Sludge" shall mean any discharge of sewage which in concentration of any given constituent or in quantity of flow exceeds more than five times the average 24 hour concentration or flow for a period in excess of fifteen minutes.

- (m) "Storm Sewage" shall mean ground, surface and storm waters which are unpolluted other than by their contact with the natural environment, and industrial cooling water and unpolluted process water.
- (n) "Storm Sewer" shall mean a sewer which carries storm and surface waters, industrial cooling water, or unpolluted process waters, but excludes sanitary sewage.

PART TWO
PETITION AND COMMITTEE

- 1. When the Council deems it necessary that a sewer be constructed in any area or any portion of the Town, the Council may order by resolution such sewer be constructed and all provisions of the By-Laws relating to and regulating the use of Public sewers in force in the Town be and are hereby made applicable to any sewer constructed by virtue of such resolution.
- 2. The Council may by resolution order the repair or improvement of drains or sewers existing in any road, area or portion of the Town, whenever the same shall be considered necessary or desirable, and to lay out, excavate and complete a sewer in any area of the Town and perform any other work necessary to be done in connection therewith.
- 3. The Inspector shall have the duty of making an annual report to the Council concerning the operation, construction and installation of all public sewers.

PART THREE
THE REQUIRED USE OF PUBLIC SEWERS

- 4. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the said Town, any human or animal excrement, garbage or other objectionable waste.
- 5. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the said Town, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this By-Law.
- 6. Except as hereinafter provided in Part Four, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage .
- 7. The owner of any dwelling house, shop, store, office or other building, the nearest part of which is not more than One Hundred (100) feet from any portion of the public sanitary or combined sewer of the Town, is hereby required, at his expense, to connect any facilities discharging sanitary sewage directly with the proper public sewer in accordance with the provisions of this By-Law; within Thirty (30) days after the date of the official notice so to do.

PART FOUR
PRIVATE SEWAGE DISPOSAL

- 8. Where a public sanitary or combined sewer is not available under the provisions of Part Five, the building sewer shall be connected to a private disposal system complying with the following provisions:
- 9. Before commencing of construction of a private sewage disposal system, the owner shall first obtain a permit from the Board of Health. The application for such permit shall be made on a form furnished by the Board of Health.
The applicant shall supplement the permit application with any plans, specifications and any other information as is deemed necessary by the Board of Health.

10. The Inspector shall be allowed to inspect the work at any stage of construction; and, in any event, the applicant for the permit shall notify the Board of Health when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within Two (2) weeks of the receipt of notice, which period shall not include Sundays or Statutory Holidays.
11. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations and requirements of the Department of Public Health of the Province of Nova Scotia, the Department of Environment of the Province of Nova Scotia and the Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the lot does not comply with the Public Health Act of Nova Scotia and the regulations thereunder. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
12. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
13. At such time as a public sewer becomes available to property served by a private sewage disposal system as provided in Part Two above, unless the Council otherwise orders, the building sewer shall be connected with the public sewer, in compliance with this By-Law, within Thirty (30) days of notice by the Town, and upon further order of the Council, any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and filled.

PART FIVE
BUILDING SEWERS AND CONNECTIONS

14. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the Inspector.
15. It shall be the duty of any person, firm, or corporation who constructs any private sewer or drain while excavating, to securely protect the opening or excavation in such manner as may be directed by the Inspector.
16. There shall be one class of building sewer permit:
 - (a) For residential and commercial service: The owner or his agent shall make application on a form furnished by the Inspector, which form shall have the context as given in Appendix "A" of this By-Law. The permit application shall be supplemented by any plans, specifications, and other information as is deemed necessary by the Town.
17. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
18. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an internal lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
19. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector to meet all the requirements of this By-Law.
20. Size, slope, alignment, materials of construction of the building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling the trench, and connection to the public sewer shall all conform to the requirements of the Town as set out in Part Eight of this By-Law.
21. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carriage by such building drains, may, except in cases

where the building is less than One Hundred (100) feet from the serviced street, be lifted by an approved means and discharged to the building sewer.

22. The person who originally made application for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The entire works shall be performed under the supervision of an Inspector.
23. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.... Streets, sidewalks, walkways and other public property disturbed in the course of the work shall be restored and such restorations are to be satisfactory to the Inspector.

PART SIX
USE OF THE PUBLIC SEWERS

24. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, unpolluted cooling water or unpolluted industrial process waters to any sanitary sewer.
25. No person, firm, or corporation shall permit any pipe carrying sewage or surface water to discharge into any sewer trench.
26. No person, firm or corporation shall injure, break or remove any portion of the public sewer system or its appurtenances.
27. No person, firm or corporation shall throw, or permit to be thrown or deposited in any sewer opening or receptacle connected with the public sewer system any garbage, offal, dead animals, bones, ashes, cinders, rags or any other material or thing excepting feces, urine and necessary toilet paper, household liquids.
28. Sanitary sewage shall be discharged to such sewers as are specifically designated as sanitary sewers, except that no person shall discharge or cause to be discharged the following described substances, materials, waters or wastes.
 - a. Sewage at a temperature in excess of Sixty (60) Celsius;
 - b. Sewage containing any inflammable or explosive matter, and without limiting the generality of the foregoing, gasoline, benzene, naphtha, fuel oil, acetone or other solvents;
 - c. Any quantity of matter capable of obstructing the flow in or interfering with the proper operation of any part of the sewage works, and without limiting the generality of the foregoing, any such quantities of ashes, cinders, garbage, sand, straw, mud, shavings, metal, glass, rags, feathers, plastic, wood or cellulose;
 - d. Sewage having a ph less than 5.5 or greater than 9.5 or which due to its nature or content, becomes less than 5.5 or greater than 9.5 during transmission to a sewage treatment plant;
 - e. Sewage that may cause a nuisance, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, ammonia, trichloroethylene, sulphur dioxide, formaldehyde, chlorine, bromine, or pyridine, in such quantity that an offensive odour could emanate from the sewage works or could cause a nuisance;
 - f. Sewage containing animal wastes and without limiting the generality of the foregoing, containing intestines, stomach casings, intestinal contents, hides, hooves, toenails, horns, bones, or poultry heads or sewage containing hair, wool, fur, feathers, paunch manure or fleshlings;
 - g. Sewage containing toxic or chemical pollutants in greater concentrations than is permitted by any authority having jurisdiction over the receiving waters;
 - h. Sewage which exerts or causes:

- i. 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.)
 - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)
 - iii. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - iv. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - i. The contents of septic tanks;
 - j. Radioactive materials except as may be permitted under the Atomic Energy Control Act, R.S.C. 1952, Chapter 11 and amendments thereto and regulations thereunder;
 - k. Storm runoff, sewage derived from the drainage of lands or roofs, water used for cooling purposes or any other unpolluted waste waters;
 - l. Without limiting any of the foregoing, no person shall discharge or cause to be discharged any waters or wastes containing substances which are not amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
29. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain in substance or possess the characteristics enumerated in Section 31 of this By-Law, the Town may do any or all of the following:
- a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require control over the quantities and rates of discharge;
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewage charges.
30. If the Town requires the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town and subject to the requirements of all applicable codes, ordinances and laws.
31. Grease, oil and sand interceptors shall be provided when, in the opinion of the Town they are necessary to the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand or other harmful ingredients; except such that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the Town, and shall be located as to be readily accessible for cleaning and inspection.
32. Where preliminary 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.
33. When required by the Town, the owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. Manholes 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.
34. No statement contained in this part shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern or institution whereby any industrial or institutional waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

PART SEVEN
FINANCES

35. The cost of public sewer services shall consist of the capital debt charges, capital expenditures from current revenue and operating expenses.
36. The cost of public sewer services shall be recovered in the following manner:
- a. For all properties assessed as taxable or for which a grant in lieu of taxes is received, the cost of public sewer services shall form part of the tax levy and be included in the tax rates set by Council for all residential, resource and commercial properties located within the Town. Properties assessed shall include the assessment on business occupancy and commercial equipment.
 - b. For properties exempt from taxes and grants in lieu of taxes, which are connected to the public sewer system, there shall be levied annually a sewer service charge of Two Hundred Eighty Nine Dollars (\$289.00) per unit in accordance with the following schedule:

- Schools without cafeteria or gym per classroom	1 unit
- Schools with cafeteria or gym per classroom	1.5 units
- Schools with cafeteria or gym per classroom	2.0 units
- Churches and church halls with washroom facilities	.3 units
37. The sewer service charge shall be due and payable on the same date or dates that other rates and taxes due to the Town are payable.
38. Every service charge or tax imposed under the provisions of this By-Law shall constitute a lien upon the real property as is provided for rates and taxes under Chapter 23 of the Revised Statutes of Nova Scotia 1989, The Assessment Act, and amendments thereto, and shall be collectible in the same manner as rates and taxes on real property are collected, under the Assessment Act.
39. The Council may grant to an owner of property not liable to sewer service charge or tax levy, the privilege of connecting his premises with the sewer upon payment of such sum of money in lieu of sewer service charge as the Council may determine or enter into written agreement with the property owner for an annual levy of a sewer service charge as provided for in Section 36 (b) of this By-Law with provision that non-payment will result in disconnection of the services.
40. Repealed.

PART EIGHT
APPLICATION TO CONNECT

41. Any person requesting a permit, after the original sewer line has been installed, for connecting a building service connection with the public sewer shall pay a fee of One Thousand Dollars (\$1000.00).
42. (i) The construction and installation of any building service connection shall be conducted subject to the inspection and review by the Inspector and the specifications for labour and materials under which the public sewer was constructed are to be considered as part of the specifications for any such building service connection, modified, however, so as to be applicable to the building or buildings situate on the property to be served by such building service connection.
- (ii) The "Canadian Plumbing Code, 1977" as published by the Associate Committee on the National Building Code, National Research Council of Canada, is hereby adopted as part of this By-Law, attached hereto as Appendix "D".

43. All sewers and drains shall be constructed in accordance with the provisions of the Public Highways Act, Revised Statutes of Nova Scotia, 1967, Chapter 248, and amendments and regulations thereto, and shall cause as little obstruction as possible for pedestrians and vehicular traffic during installation.
44. (i) Whenever any building sewer connection is abandoned, or is not done in accordance with this By-Law, 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.
(ii) Where the owner does not effectively block up a building sewer connection as required under the provisions of Sub-section (i) within Thirty (30) days from receipt of a notice to do so, the Council may cause the same to be done and the cost of such 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.
45. The Clerk shall keep a separate account of all moneys due for the construction of sewers, which account shall contain:
 - (a) The name of the owners of property liable for a sewer service charge, and the name of the sewer with respect to which such sewer service charge arose;
 - (b) The amount of sewer service charge due with respect to each property;
 - (c) The amount of sewer service charge paid with respect to each property.
46. (a) Where under any provision of this By-Law approval or permission of the Inspector is required before any work or thing may be done, an appeal shall lie to the Council from the decision of the Inspector refusing to grant approval or permission, and the Council shall either direct the Inspector to grant the approval or permission, or uphold the decision of the Inspector.
(b) The right of appeal provided in Sub-section (a) shall expire Thirty (30) days after the Inspector gives his decision in writing to the owner with respect to the approval or permission.

PART NINE
POWERS AND AUTHORITY OF INSPECTORS

47. Inspectors of the Town shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this By-Law. Inspectors shall have no authority to enquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

PART TEN
PENALTIES

48. Any person found to be violating any provision of this By-Law shall be subject to prosecution, and upon conviction shall be subject to a fine not exceeding Two Hundred and Fifty Dollars (\$250.00) and in default of such payment may be imprisoned for a period not exceeding one month.

49. REPEAL

The former Public Sewers By-Law #36 passed by the Town of Lockeport is hereby repealed and this By-Law substituted therefore.

APPENDIX "A"

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

To the Town of Lockeport;

The undersigned, being the _____
(Owner, Owner's Agent)

Of the property located at _____

Does hereby request a permit to install and connect a building sewer to serve the

(Residence, commercial building, etc.)

At said location.

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>Number</u>	<u>Fixture</u>	<u>Number</u>	<u>Fixture</u>
-----	Kitchen sinks	-----	Water Closets
-----	Lavatories	-----	Bath tubs
-----	Laundry tubs	-----	Showers
-----	Urinals		

Specify other fixtures _____

- 2. The maximum number of persons who will use the above fixtures is _____
- 3. The name and address of the person or firm who will perform the proposed work is _____

4. Plans and specifications for the proposed building sewer are attached hereonto as Exhibit "A".

In consideration of the granting of this permit, the undersigned agrees:

- 1. To accept and abide by all provisions of the Public Sewers By-Law of the Town of Lockeport and of all other pertinent By-Laws or regulations that may be adopted in future.
- 2. To maintain the building sewer at no expense to the Town.
- 3. To notify the Town when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

Date: _____

Signed: _____
(Applicant)

(Address of Applicant)

Application approved and permit issued:

Date: _____

Signed: _____
(Superintendent)

<u>Type of Customer</u>	<u>Unit Value</u>
Single Family Dwelling	1.0
Mobile Home	1.0
For private swimming pool add	1.0
For each Doctor or Dentist office in private home add	1.0
For each Beauty shop or Barber shop in private home add	1.0
Individual apartment	1.0
Senior Citizens Home, per unit	0.6
Rooming house, Boarding house, Convent, Institutional	
*dormitory up to five beds	1.0
*each additional bed	0.2
Hospitals and homes with medical care facilities	
*without laundry facilities per bed	0.5
*with laundry facilities per bed	0.75
Schools per classroom without cafeteria or gym per classroom	1.0
*with cafeteria or gym per classroom	1.5
*with both cafeteria and gym per classroom	2.0
Doctor, Dentist office, Beauty shop or Barber shop	1.0
Tourist home with one bathroom	1.2
*for each additional bathroom	0.3
Hotels, Motels and Tourist Cottages with housekeeping	
*facilities; each room or unit	0.5
*without housekeeping facilities, each room or unit	0.3
Restaurants, etc. are additional to above listing and are rated in accordance with this schedule	
Tourist Trailer Park	
*with hook-up facilities, per unit space	0.5
*without hook-up facilities, per unit space	0.3
Stores, banks, clubs, recreational facilities and places of business including industrial premises (Sanitary Sewage only)	
*first washroom facility	1.0
*each additional washroom facility	0.5
*cafeterias, etc. are in addition to above listing and are Rated in accordance with this schedule	
Churches, church halls, each washroom facility	0.3
Laundromat	
*for each machine	1.5

Service Station	2.0
*for each car wash bay connected to sanitary sewer add	25.0
Restaurants, Snack Bars and Cafeterias	1.0
*for each ten seats add	0.25
Premises licensed by Nova Scotia Liquor Commission	
*Restaurant, Lounge, Dining Room or Club	1.0
*for each five seats add	0.25
Drive-in restaurant or Theatre with canteen	1.0
*for first washroom facility add	1.0
*for each additional washroom facility	0.5
 A lot upon which is situate a building containing more *than one type of use, but with only one washroom	 1.3
 A vacant lot, or a lot upon which is situate a building *without sewer facilities, with the expressed permission of the Town Council of the Town of Lockeport, or a lot upon which is situate any building, the nearest part of which is more than 100 feet from any portion of the sanitary sewer	 0.3

Date – First Reading: September 14, 2020

Date – Notice, in paper, to Public: September 30, 2020

Date – Second Reading: October 13, 2020

Date – mailed to SNS&MR a certified copy of By-Law: October 28, 2020

*Date – ad Re: Passage of By-Law: October 28, 2020

Adopted by the Council of the Town of Lockeport on the 13th day of October, 2020

Clerk/Treasurer (Sign) Joyce Y. Young

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy was duly passed at a duly called meeting of the Town Council of the Town of Lockeport duly held on the 13th day of October A.D. 2020.

Given under the hand of the Town Clerk of the Town of Lockeport this 28th day of October A.D. 2020

Joyce Y. Young
Town Clerk/Treasurer