

RESOLUTION
2nd Reading

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council approve the following by-law with respect to sewer connections:



**MUNICIPALITY OF THE COUNTY OF PICTOU
SEWER CONNECTION BY-LAW**

1. This By-Law may be cited as the "Sewer Connection By-Law".

DEFINITIONS

2. In this By-Law, unless the context otherwise requires, the expression:
 - (a) "building" means any dwelling, mobile home, house, shop, store, office or any building which would require sewerage services;
 - (b) "combined sewer" means a sewer that is intended to conduct wastewater and stormwater;
 - (c) "council" means the Municipal Council of the Municipality of the County of Pictou;
 - (d) "dwelling" means a building, occupied or capable of being occupied as a home. Residence or sleeping place by one or more persons and shall not include a hotel, motel, apartment hotel, nor any building, part of a building or group of buildings or place of accommodation that provides one or more rental units used mainly for the reception of the travelling or vacationing public, nor any recreation vehicle or travel trailer.
 - (e) "engineer" means the Engineer for the Municipality of the County of Pictou, and includes the Director of Public Works whether or not he is a professional engineer, and any consultant engineer engaged by the Municipality;
 - (f) "mobile home" means any vehicle or similar portable structure and extension thereof, having no integral foundation other than wheels, jacks, or skirtings, so designed or constructed as to permit occupancy for year-round dwelling purposes, and having a flush toilet and a bath or shower;

- (g) "mobile home park" means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located for a period exceeding three weeks, except for tourist purposes;
 - (h) "municipality" means the Municipality of the County of Pictou or the area contained within its municipal boundaries, as the context requires;
 - (i) "municipal sewer right-of-way" means the outer boundaries of any right-of-way within which a municipal sewer is located, or, if the municipal sewer is located within the right-of-way or deemed or presumed width of any provincial, municipal or private highway, road, lane or street, it means the outer boundaries of the right-of-way or of the deemed or presumed width of any such provincial, municipal or private highway, road, lane or street;
 - (j) "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 includes a trustee, an executor, and administrator, a guardian, an agent, a mortgagee in possession or any other persons having the care or control of any land or building in case of the absence or disability of the person having title thereto;
 - (k) "person" includes any individual, firm, company, association, society, corporation or group;
 - (l) "sanitary sewer" means a sewer for the collection and transmission of domestic, commercial and industrial wastewater or any of them, and to which uncontaminated or cooling water, storm, surface, and groundwater are not intentionally admitted;
 - (m) "sewer" means a pipe, conduit, drain, open channel, or ditch used for the collection and transmission of wastewater, stormwater, or uncontaminated process or cooling water;
 - (n) "sewerage system" means all pipes, mains, equipment, buildings and structures for collecting, pumping or treatment of wastewater and operated by the municipality, but does not include a storm sewer;
 - (o) "storm sewer" means a sewer and all related structures designed exclusively for the collection and transmission of uncontaminated water, stormwater, drainage from land or from any watercourse or any of them;
 - (p) "wastewater" means any liquid waste containing animal, vegetable, mineral, or chemical matter in solution or suspension carried from any premises.
3. (1) No person shall connect any private sewer or building sewer to a municipal sewer without first obtaining permission in writing therefore from the Engineer.

(2) No connection to a municipal sewer shall be made except under the supervision of the Engineer.

(3) No connection shall be covered until it has been inspected and approved by the Engineer.

(4) No connection of a recreation vehicle or travel trailer to a municipal sewer shall be permitted.

(5) No connection to a municipal sewer of a hotel, motel, apartment hotel or any building, part of a building or group of buildings or place of accommodation that provides one or more rental units used mainly for the reception of the travelling or vacationing public, shall be permitted unless the Engineer is satisfied that such connection will not adversely affect the sewer system and the Engineer may require the owner requesting the connection to provide such information, independent assessment(s) and/or reports as in the discretion of the Engineer is necessary to inform the Engineer's assessment and decision, at the owners cost.

4. Every person connecting to a sewerage system shall construct the connection according to requirements of the Canadian Building and Plumbing Codes.
5. No person shall connect any storm sewer to any sanitary sewer.
6. (1) The owner of a building, any part of which is within two hundred feet of any boundary of a municipal sewer right-of-way, or the owner of land containing a mobile home park for which the permit for its initial construction is, or should have been, issued after April 1, 1996, any part of which land is within two hundred feet of any boundary of a municipal sewer right-of-way, at the owners sole expense, shall construct a building sewer therefrom or a building sewer from each mobile home space, as the case may be, and connect the same to the municipal sewer; provided, however, that Council may exempt therefrom any such building or mobile home park as appears to it:
 - (a) to be adequately served with existing storm drainage and on-site sewage disposal system; and
 - (b) would not be adequately served by connection to the municipal sewerage system; or
 - (c) in the case of two or more buildings, none of which are single occupancy residential buildings, the owner or owners thereof have provided special alternative connection design proposals for the connection of two or more of the buildings to the municipal sewage system, and these proposals have received the approval of the engineer.

(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.

7. (1) This section applies notwithstanding the provisions of Section 6(1) of this By-Law.

(2) In this section,

- (a) “building” means a single occupancy residential building which is connecting to a municipal sewer;
- (b) “equipment” means a pump, tank, and control system, or any of them, approved by the engineer, and sufficient in his sole opinion, to permit gravity sewer service or sewer service other than gravity sewer service where the municipality is providing such other sewer service, to the first storey of a building;
- (c) “first storey” means the uppermost storey having its floor level not more than two (2) metres above grade;
- (d) “grade” means the lowest of the average levels of finished ground elevation adjacent to each face of a building.

(3) Notwithstanding section 6(1) of this By-Law, where it is not possible to provide either gravity sewer service or a sewer service other than gravity sewer service where the Municipality is providing such other sewer service, to the first storey of a building, the Municipality shall provide the equipment to the owner of a building, at the Municipality’s sole cost, on the occasion only of the first connection of the building to the sewerage system.

(4) The owner of a building, provided with the equipment:

- (a) in addition to the costs referred to in section 6(1) of this By-Law, shall be solely responsible for the cost of installing, maintaining and replacing the equipment;
- (b) shall install the equipment in a manner satisfactory to the engineer, and the engineer shall have the right to enter upon the property on which the building is situate, and to direct the manner of the installation of the equipment and;
- (c) shall install the equipment in such a manner that it is in the opinion of the engineer, at all times readily accessible for inspection and service.

(5) Where the equipment has been installed on property or in a building under this section of the By-Law, the engineer, and any person authorized by the engineer shall have the right to enter upon the property, from time to time, and upon reasonable notice to the owner, for the purpose of inspecting the equipment.

8. (1) In this section;

- (a) “accessory building” means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use;
- (b) “accessory use” means a customarily subordinate and incidental to a main use of land or building and located on the same lot, which in the sole discretion of the Engineer, or the Engineer’s designate, would not overburden or otherwise adversely impact the sufficiency of existing lateral(s) of the sewerage system serving the lot;
- (c) “dwelling” means a building occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, motel, apartment hotel or a travel trailer;

(2) Subject to all requirements of the Sewer Connection Bylaw, with the approval of the Engineer, or the Engineer’s designate, the municipality will permit an owner of a dwelling to connect an accessory building to the sewerage system, through the same lateral servicing the dwelling.

(3) Subject to all other requirements of the Sewer Connection Bylaw and approval of the Engineer or the Engineer’s designate, the connection of the accessory building to the sewerage system may be made by connecting the plumbing of the accessory building to the plumbing of the dwelling.

(4) A connection made to the sewerage system pursuant to this section shall not result in;

- (a) a capital charge as prescribed in Section 6 of this bylaw;
- (b) a sewer service charge as described in Section 9 of this bylaw;

(5) Notwithstanding subsection 4 of this section of the bylaw, the municipality will impose the capital charge as prescribed in Section 6 of this bylaw and a sewer service charge as prescribed in Section 9 of this bylaw if;

- (a) the accessory building is used to operate a home based business;

- (b) the accessory building is used for the purposes of a sleeping place by one or more persons; or
 - (c) in the sole discretion of the Engineer, or the Engineer's designate, the use of the accessory building becomes such as to overburden or otherwise adversely impact the sufficiency of the existing lateral(s) of the sewerage system serving the lot on which the accessory building is located.
- 9. Where a building or mobile home park has been connected to the municipal sewerage system or the Council has ordered a building or mobile home park to be so connected, the Council may, by resolution, order the owners of outhouses and septic tanks or other sewage disposal treatment facilities to remove such outhouses and to destroy or fill such septic tanks, or other sewage disposal treatment facilities.
- 10. (1) This section 9 applies notwithstanding the provisions of section 6(1) of this by-law.
(2) In this section:
 - (a) "approval date" is the date shown on an approval document as the date the on-site sewage disposal system was approved for initial operation;
 - (b) "approval documents" means any one of the following documents:
 - (i) a dated occupancy permit from the Municipality for the building serviced by the on-site sewage disposal system;
 - (ii) a dated Final Inspection Report for the on-site sewage disposal system, approving it for initial operation, from the governing authority;
 - (iii) a dated Final Inspection Report for the on-site sewage disposal system, approving it for initial operation, from a Qualified Person I or II;
 - (c) "exemption certificate" means a certificate issued under this section temporarily exempting an owner who must connect from the obligations of that owner under section 6(1) of this by-law;
 - (d) "governing authority" means a government body or agency which inspects, regulates, supervises or controls the operation of on-site sewage disposal systems;

- (e) “municipal sewer project” means a sewerage system proposed to be constructed by or on behalf of the Municipality, and includes any addition or extension to any existing sewerage systems owned or partly owned by the Municipality, and any sewerage system constructed in co-operation with any other municipality or municipalities;
- (f) “on-site sewage disposal system” means an on-site sewage disposal system which services a building or mobile home park located on land in respect of which an exemption certificate is sought or obtained;
- (g) “owner who must connect” means an owner who has or will have obligations under section 6(1) of this by-law because of a municipal sewer project, and includes the transferee of an exemption certificate;
- (h) “PID” means the Property Identifier number.

(3) Where any municipal sewer project is proposed, the Municipality:

- (a) shall identify or cause to be identified all owners who must connect; and
- (b) shall advise each owner who must connect by prepaid regular mail sent to the last address of the owner known to the Municipality, that he may apply for an exemption certificate; and
- (c) shall advertise in a newspaper circulating in the area to be served by the municipal sewer project that owners who must connect may apply for an exemption certificate.

(4) If the size of a municipal sewer project changes after notice given under subsection (3) of this section:

- (a) where the size of a municipal sewer project changes so that it will service fewer potential connections, the Municipality shall identify or cause to be identified any owner who no longer has an obligation to connect to the smaller project and advise that owner that he no longer is an owner who must connect, whether or not that owner has applied for or has been granted an exemption certificate;
- (b) where the size of a municipal sewer project changes so that it will service more potential connections, the Municipality shall identify or cause to be identified any owner who now has an obligation to connect and shall advise each such owner, in the manner set out in

subsection (3)(b) that he is an owner who must connect and that he may apply for an exemption certificate.

(5) The advertisement and notices to owners who must connect referred to in subsections (3) and (4) shall stipulate a date and time by which, and a place at which, applications for an exemption certificate must be made.

(6) Nothing in subsection (3) limits the Municipality to the kinds of notice required by subclauses (b) and (c) of that subsection.

(7) An owner who must connect may apply for an exemption certificate.

(8) The Municipality shall prescribe an application form and may prescribe other forms to be used in an application for an exemption certificate.

(9) An application for an exemption certificate shall be on the form prescribed by the Municipality shall contain:

- (a) the name, full mailing address and telephone number, and, if available, the e-mail address of the owner;
- (b) the PID of the property containing the on-site sewage system in respect of which the application is made;
- (c) evidence in the form of an approval document that the approval date was on or after January 1, 1999;
- (d) a statement under oath or affirmation from the owner that the approval date shown on the approval document is correct, that the on-site sewage disposal system is in good working order as of the date of the application, that the owner is not aware of any existing malfunction of the system and that there are no outstanding complaints from any source about its operation;
- (e) a written permission signed by the applicant owner in favor of the Municipality allowing it to make such inquiries as it sees fit concerning the application, and granting any holder of information on the on-site sewage disposal system permission to release to the Municipality any information so held.

(10) The Municipality is not obliged to consider an application for an exemption certificate, or to grant an exemption certificate in respect to any application, which

- (a) is not submitted on the Municipality's prescribed form; or
- (b) is late; or

- (c) is incomplete, false or misleading, in any material particular; or
- (d) where, for valid engineering reasons, the Engineer determines that it should not be granted.

(11) The Engineer shall decide on all applications for an exemption certificate, and his decision is final.

(12) No exemption certificate shall be issued unless the on-site sewage system has an approval date of January 1, 1999, or later.

(13) Where the Engineer is satisfied that an applicant's approval date occurred on or after January 1, 1999, and if the application is otherwise timely and complete, and if there are no valid engineering reasons indicating to the contrary, he shall issue an exemption certificate to the applicant owner.

(14) An exemption certificate is transferable to a subsequent owner or owners of the whole of the property on which the on-site sewage disposal system is located, but whether or not any formal transfer occurs, a subsequent owner stands exactly in the place and stead of the previous owner and in particular, but not so as to limit the generality of the foregoing:

- (a) is entitled to the benefits of a valid exemption certificate; and
- (b) incurs the obligations of an owner under section 6(1) of this when the exemption certificate ceases to be valid.

(15) An exemption certificate may be surrendered at any time.

(16) An exemption certificate, if granted, may be revoked by the Municipality:

- (a) where any false or misleading information on a material particular is provided in an application; or
- (b) where a governing authority advises the Municipality or the Municipality otherwise becomes aware that the on-site sewage disposal system in respect of which the exemption certificate was granted is no longer operating in compliance with then existing regulations and requirements, or
- (c) where the Engineer determines that there are valid engineering concerns for not continuing an exemption certificate.

(17) An exemption certificate is valid upon its date of issue, but ceases to be valid upon the occurrence of the first of any of the following events:

- (a) 15 years passes from the approval date as determined by the earliest date on any approval document submitted under subsection (9)(c) of this section;
- (b) it is revoked or surrendered; or
- (c) the owner to whom it is issued connects the property containing the on-site sewage disposal system to the municipal sewer system; or
- (d) the land on which the on-site sewage disposal system is located is subdivided.

(18) There is no requirement on the Municipality to perform any act for an exemption certificate to cease to be valid and there is no obligation on the Municipality to advise an owner who must connect or any subsequent owner who holds an exemption certificate that the owner's exemption certificate has ceased to be valid.

(19) An exemption certificate which ceases to be valid may not be renewed, reapplied for, or reinstated, and the owner to whom that exemption certificate was granted immediately is subject to the provisions of section 6(1) of this by-law, incurs all of its obligations and must forthwith comply with that section.

(20) The right to apply for an exemption certificate under this section is in addition to, and not in substitution for, the right of an owner under section 6(1) to request that Council grant an exemption under that section.

(21) The Municipality shall establish a list of owners granted exemption certificates, which shall include the approval date for each exemption certificate, and shall update any changes to that list and keep it current.

(22) Nothing done under this section or under this by-law obliges the Municipality to construct or partly construct any municipal sewer project.

- 11. Except as otherwise provided herein, 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 \$5,000.00 and in default of payment, to imprisonment for a term of not more than 90 days.
- 12. All costs associated with the installation, connection, maintenance or repair of a building sewer connection to the municipal sewerage system, whether in a street, highway or easement, including the costs of any necessary permits, are the sole responsibility of the owner.
- 13. The Sewer Connection By-Law adopted by Municipal Council on October 1, 2012 is hereby repealed, on and not before the date of the coming into force of this By-Law.

DATED at Pictou, NS this 7th day of October, 2019.

(Sgd.)

