

**Town of Hartland****By-Law No. C-05****WATER SYSTEM AND SEWER SYSTEM**

1. **AUTHORITY.** The Council of Hartland, under the authority vested in it by section 81 of the *Local Governance Act*, enacts this by-law to regulate the use of Hartland's water system and sewer system.
2. **DEFINITIONS.**
  - 2.1. "Backwater Value" means a device that prevents the flow of liquids and solids from reversing their direction. Examples of liquids and solids include water and sewage.
  - 2.2. "BOD" means biochemical oxygen demand as in the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature, and under other specific conditions.
  - 2.3. "CAO" means Chief Administrative Officer for the town of Hartland.
  - 2.4. "Leaseholder" refers to any tenant that the Owner permits to use his or her property according to the terms of a lease.
  - 2.5. "Mains" refers to all common sewers and water pipes and related systems of Hartland.
  - 2.6. "Municipality" means the town of Hartland, including all areas that were Local Service Districts (LSDs) prior to municipal amalgamation on January 1, 2023, including Brighton, Coldstream, Wakefield, Somerville, Peel, and Simonds.
  - 2.7. "Owner" means the legal Owner of the property or premises.
  - 2.8. "Private System" refers to a water system or a sewerage system or pipeline that (a) resides outside Hartland's right-of-way and (b) is not owned by the town of Hartland.
  - 2.9. "Residential Dwelling" refers to a house, an apartment, a mobile home or trailer, a group of rooms, or a single room occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and have direct access from outside the building or through a common hall. For clarity with respect to billing, a duplex would represent two (2) residential dwellings.

- 2.10. "Service" means a water system pipe extending from a water main line to any building or a sewer system pipe extending from a sewer system main line to any building.
- 2.11. "Service Connection" means a water service pipe extending from a water main line to the limits of the road or street or a sewer service pipe extending from a sewer main line to the limits of the road or street.
- 2.12. "Storm Sewer" means a pipe or conduit for carrying only storm water, surface water, or excess ground water.
- 2.13. "User" means any person or structure connected to the water system or the sewer system of Hartland. A "user" may or may not also be the "Owner" of the property or premises.
- 2.14. "Sewer System" refers to Hartland's system of storm sewers and sanitary sewers, including wastewater mains, branch mains, force mains, drains, pumps, treatment works, cleanouts, discharge outlets, and other elements owned or leased by the Municipality to collect, treat, and dispose of surface water and wastewater.
- 2.15. "Water Main" means a water pipe leading from a water system.
- 2.16. "Water System" refers to all the infrastructure and facilities in Hartland's water system, including the wells, tanks, reservoirs, filtration plants, watercourses, lakes, streams, rivers, buildings, machinery, cribs, basins, hydrants, pumping stations, water mains, water service pipes, fittings, motors, water works, and other elements that draw, collect, treat, distribute, sell, and store water.

### 3. SERVICE APPLICATION PROCESS.

- 3.1. When an Owner requires a service connection, the Owner must (a) complete and file an Application for Service Connection with the Director of Public Works and (b) submit full payment for the service to the Clerk or Treasurer.
- 3.2. Upon receipt of the application and payment, the CAO will direct the work to be completed, unless, in the opinion of the CAO, the work cannot be completed without a compromise or a risk of compromise to the working order and operation of the water system or the sewer system.
- 3.3. When the CAO rejects an application, the applicant may appeal the decision in a written letter addressed to Council, who will hear and render a final decision on the appeal in the next meeting of Council.

### 4. MUNICIPAL OPERATION.

- 4.1. The Municipality shall own, operate, and maintain all common water and sewer systems within the Municipality.
- 4.2. The Municipality shall supply a water service and a sewer service for:
  - 4.2.1. the domestic uses of municipal residents;
  - 4.2.2. the general uses of the Municipality, its employees, and its departments, including the Public Works Department, the Recreation Department, and the Fire Department; and

- 4.2.3. the general uses of commercial or industrial enterprises, public institutions, and non-profit organizations such as schools and churches that are located inside the Municipality.
  - 4.3. The Municipality may choose to not provide a water service or a sewer service to any user if it believes that doing so would impair its ability to provide water or sewer service to other users.
  - 4.4. The Municipality reserves the right to not lay pipe or pipes at any time when, in the opinion of the Municipality, conditions or circumstances are not suitable to perform the work.
  - 4.5. The Municipality shall have access to any property or premises to inspect water system components or for any other purpose associated with the operation and maintenance of the water system.
  - 4.6. The Municipality shall have access to any property or premises to inspect sewer system components or for any other purpose associated with the operation and maintenance of the sewer system.
  - 4.7. No Owner or occupier of any premises shall permit drainage from the perimeter drain or roof thereof to flow directly or indirectly to the sewer system.
  - 4.8. The Manager of Public Works, or anyone he or she chooses to act as an agent on behalf of the Municipality, may inspect, without constraints and at all reasonable times, the plumbing and private sewerage system installed in any premises or on any property within Hartland.
  - 4.9. No excavation shall be made in any street, lane, or thoroughfare within Hartland, for the purpose of connecting any private residence, building, or premises to the municipal water system, from December 1 to May 1, without the consent of the Council.
5. CONNECTION TO WATER SYSTEM.
- 5.1. All connections to the municipal water pipes must conform to the plumbing codes of the Province of New Brunswick.
  - 5.2. Where the Municipality has provided water to all or a portion of the frontage of any property that requires water service, the Owner of that property must connect to the municipal water system, unless the Owner (a) applies in writing to the CAO to waive access to the municipal water system and (b) Hartland Council waives the requirement upon the Owner to access the municipal water system.
  - 5.3. Once an Owner connects a building on their property to the municipal water system, the Owner shall become a user of that service and must disconnect all buildings on that property from any other water service and thereafter, shall not use any alternative water service in any building on their property unless approved to do so by Council.
  - 5.4. No person shall permit the improper use or waste of water. All leaks due to worn tap washers, defective toilet valves, or other causes shall be promptly and properly repaired. The Municipality reserves the right to suspend the supply of water until such leaks are stopped and such defects are repaired.
  - 5.5. All connections for water service shall be placed at sufficient depth and in such a manner as to prevent the freezing of the water line.
  - 5.6. Every water service to a building shall have a water stop in an accessible position immediately inside the service entrance wall of the building.

- 5.7. The Owner of a building shall be responsible to take all steps necessary to maintain in good working order the water laterals that service the building.
- 5.8. The Owner and operator of a private water system, including those used by residential dwellings, must keep those water systems in good repair, to protect them from frost and to prevent the waste of water.
- 5.9. If a property can receive water service from the Municipality, the Owner shall not drill a new well on that property without the approval of Council, which must be affirmed through a resolution of Council.
- 5.10. No person shall tap into, connect to, or otherwise access a water main in the Municipality without the written approval of the CAO.

## 6. WATER METERS.

- 6.1. The Municipality may require a residential dwelling, a commercial or industrial enterprise, or a public institution to install a water meter on a new or existing structure that is connected to the municipal water system. Cases where the Municipality is likely to require the installation of a water meter include a retirement home, a nursing home, a car wash, a food processing plant, a grocery store, a laundromat, and a greenhouse.
  - 6.1.1. The Owner shall be responsible for the cost of purchasing and installing a water meter.
  - 6.1.2. The Municipality will give the Owner notice in writing of no less than 180 days (about 6 months) that a water meter must be installed.
- 6.2. A water meter must be located to connect to the water service connection pipe at the first possible point after said pipe enters the building or structure. No person shall cause water to be taken from the connection point at any point before it enters the water meter.
- 6.3. The Municipality shall have access to any property or premises for the purpose of reading water meters or for any other purpose associated with the operation and maintenance of the water system.
- 6.4. The reading of the water meter shall be prima facie evidence of the quantity of water supplied.
- 6.5. An Owner not satisfied with a water meter reading may have the meter tested by the Municipality. To test a meter, the Owner must submit a request to the CAO in writing. After the test is completed, if the meter reading that was challenged is found to be accurate, the Owner must pay a fee to the Municipality as specified in Appendix 2.
- 6.6. All water meters must be located to prevent damage from freezing.
- 6.7. No water meter may be removed without the written permission of the CAO.

**7. HYDRANTS.**

- 7.1. No person shall obstruct access within 4.5 meters (or 15 feet) of a fire hydrant valve or a water system fixture by placing anything at or nearby or by tying an animal at or nearby.
- 7.2. No person shall open or interfere with a fire hydrant, except members of the Fire Department or persons authorized by the Fire Chief or the Director of Public Works to do so. Any person who obstructs access to a fire hydrant, or interferes with the use of a fire hydrant, is subject to a fine as specified in Appendix 3.
- 7.3. Any person who breaks or causes a hydrant to be broken is liable to pay a fine as specified in Appendix 3.

**8. CONNECTION TO SEWER SYSTEM.**

- 8.1. All connections to municipal sewer pipes must conform to the plumbing and other building codes of the Province of New Brunswick.
- 8.2. Where the Municipality has provided sewer service to all or a portion of the frontage of any property that requires sewer service, the Owner of that property must connect their private sewerage service to the municipal sewer system, unless the Owner (a) applies in writing to the CAO to waive access to the municipal sewer system and (b) Council waives the requirement upon the Owner to access the municipal sewer system.
- 8.3. Once an Owner connects a building on their property to the municipal sewer system, the Owner shall become a user of that service and must disconnect all buildings on that property from any other sewer service and thereafter, must not use any alternative sewer service in any building on their property unless approved to do so by Council.
- 8.4. The Owner of a building shall take all steps necessary to maintain in good working order the sewerage laterals that service the building, including the portion of the sewerage lateral located between the property line and the sanitary sewer.
- 8.5. The Owner and operator of a private sewer system, including those used by residential dwellings, must keep those systems in good repair, to protect them from frost and to prevent the waste of water.
- 8.6. If a property can receive sewer service from the Municipality, the Owner shall not install a septic tank or a septic field on that property without the approval of Council, which must be affirmed through a resolution of Council.
- 8.7. No person shall tap into, connect to, or otherwise access a sewer main in Hartland without obtaining the written approval of the CAO.
- 8.8. All sewer connections must have check valves, back flow devices, or other such apparatus to prevent the flow of any substance from the municipal sewer service connection pipes to enter the building or structure.
- 8.9. All wastewaters must be discharged into a public sewer or an approved private sewer system.
- 8.10. No person shall discharge into any sanitary sewer, or cause to be discharged into any sanitary sewer, or continue to discharge into any sanitary sewer, any storm water, surface water, ground water, roof run-off water, sub-surface drainage water, cooling water, or unpolluted industrial water.

- 8.11. No person shall drain or deposit anything in the municipal sewer system that may impair, damage, or obstruct the normal operation of the system, including, but not limited to, the following:
- 8.11.1. Matter having a temperature greater than 65 degrees Celsius.
  - 8.11.2. Matter that may contain fat, oil, or grease of more than 100 parts per million by weight (ppm), of animal or vegetable origin, or 15 parts per million (ppm) by weight of petroleum origin or lubricants of synthetic origin.
  - 8.11.3. Gasoline, bezone, naptha, fuel oil, acetone, solvents, or other inflammable or explosive matter.
  - 8.11.4. Ashes, cinders, garbage, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, cellulose, paunch, manure, or other solids of a type or quantity capable of causing an obstruction to sewer flow or other interference with the proper operation of sewage works.
  - 8.11.5. Matter having a pH lower than 6.0 or higher than 9.5.
  - 8.11.6. Any liquid matter containing suspended solids exceeding 350 milligrams per liter.
  - 8.11.7. Matter that may cause the death of, or injury to, any person.
  - 8.11.8. Matter that could damage or endanger the structures, equipment, or personnel of the sewage works.
  - 8.11.9. Hydrogen sulfide, carbon bisulfide, ammonia, trichloroethylene, and other halogen substituted hydrocarbons, sulfur dioxide, formaldehyde, chlorine, bromine, pyridine, or any other matter that (a) has or may cause an offensive odor or (b) may create a public hazard or nuisance.
  - 8.11.10. Any matter in which the Biological Oxygen Demand (BOD) exceeds 300 parts per million (ppm).
  - 8.11.11. Animal waste of any type, including hair, wool, fur, feathers, intestines or stomach casings, paunch, mature, or intestinal contents, hides or parts thereof, hooves, toenails, horns, bones, and fleshings.
  - 8.11.12. Matter containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or matter that constitutes a hazard to the health of any human or animal. The Municipality may, as it deems necessary, set limits on other toxic or poisonous substances that may enter sewer system and may alter the acceptable levels of those substances as established in this by-law. Waste considered to be toxic or poisonous shall include, but not be limited to, waste that contains metals or chemicals such as cyanide, chromium, phenols, and copper with concentrations exceed the levels defined in Table 4 below.

**TABLE 4: MAXIMUM DISCHARGE ALLOWED BY ELEMENT**

ELEMENT	MAXIMUM MILLIGRAMS PER LITRE (MG/L)
ALUMINUM (Al)	50.0
ARSENIC (AS)	1.0
BARIUM (BA)	5.0

ELEMENT	MAXIMUM MILLIGRAMS PER LITRE (MG/L)
CADMIUM (CD)	2.0
CHLORIDE (CL)	1500.0
CHROMIUM (CR)	5.0
COPPER (CU)	5.0
CYANIDE (HCN)	1.0
FLOURIDE (F)	10.0
IRON (FE)	50.0
LEAD (PB)	5.0
MERCURY (HG)	0.1
NICKEL (NI)	5.0
PHENOLIO COMPOUNDS	1.0
PHOSPHOROUS (ASP)	100.0
SULPHATE (SO)	1500.0
SULPHIDE (ASS)	2.0
TIN (SN)	5.0
ZINC (ZN)	5.0
PESTICIDES	0.0
HERBICIDES	0.0

**9. DISCONNECTION FROM WATER SYSTEM OR SEWER SYSTEM.**

- 9.1. The Municipality reserves the right to disconnect from a water service or a sewer service if the related Owner or user violates any provision of this by-law.
- 9.2. The Municipality may disconnect the water service or sewer service if it does not receive full payment for the service for more than ninety (90) days after said payments are due, as specified in Appendix 1 and Appendix 2. Owners who fail to submit payment to the Municipality in time and in full for water service shall be subject to pay the applicable disconnection and reconnection fees.
- 9.3. An Owner may request to have water service to a property discontinued on any basis upon filing a written request with the Municipality, but no credit will be given for any of that 6-month billing period. An Owner who turns off their own water supply must notify the Municipality in writing.
- 9.4. If water service or sewer service is disconnected for any reason, the Owner must pay any applicable fees listed and described in Appendix 2. If repairs or other work are required to shut-off valves or valve boxes to facilitate service disconnection, the Owner must pay for the cost of such repairs and related work.

**10. REPAIR AND MAINTENANCE.**

- 10.1. The Municipality shall pay for the cost to repair and maintain all elements of the water system and the sewer system that are located within the Municipality's property, including its right-of-way.
- 10.2. The Owner shall pay for the cost to repair and maintain all elements of the water system and sewer system that are located within the Owner's property, including connection pipes, fittings, valves, and appurtenances.
- 10.3. If the water system and sewer system elements of one non-municipal property connect to the water system and sewer system elements of another non-municipal property before they connect to the water system and sewer system of the Municipality, the Owners of the non-municipal properties shall be responsible to establish an agreement regarding the actions and costs to repair and maintain their respective water system and sewer system elements.
- 10.4. All work conducted within municipal property on either the Municipality's water system or sewer system must be completed or authorized by Hartland's Public Works Department.

**11. RATES, FEES, CHARGES.**

- 11.1. Under section 81 of the *Local Governance Act*, the Municipality has the authority to charge user fees to cover its costs to finance, operate, and maintain the water system and the sewer system.
- 11.2. Under section 81 of the *Local Governance Act*, the Municipality has the authority to charge fees to connect to and disconnect from the Municipality's water and sewer systems. These fees are outlined in Appendix 2.
- 11.3. Council may, by resolution and from time to time, amend the fees and charges as specified in Appendix 1, Appendix 2, and Appendix 3.
- 11.4. Unless the Owner has a signed agreement with the Municipality that exempts the Owner from certain fees and charges, Owners shall be subject to pay the fees and charges as specified in Appendix 1, Appendix 2, and Appendix 3.
- 11.5. Each calendar year, the Municipality will issue water and sewer bills on or after March 1 and by or before March 31. The Owner shall be responsible to pay in full all water and sewer fees and charges, including connection and disconnection fees, on or before April 30.
- 11.6. Owners that fail to pay their water and sewer bills on or before June 1 will be subject to pay penalties as specified in Appendix 3. Hartland reserves the right, according to its own discretion, to waive these late fees on a case-by-case basis.
- 11.7. The Owner of a property or building shall be entitled to a prorated rebate of the annual fee for unmetered water as listed in Appendix 1 if the premises or structure is vacant for a continuous period of at least six (6) months, and then only if the Owner notifies the CAO in writing prior to the absence.
- 11.8. Upon the application of an Owner, the CAO may grant a refund of rates or charges due within one calendar year, or an allowance, for any cause or reason deemed proper.
- 11.9. When the Municipality installs a water service connection or a sewer service connection when the ground is frozen, the user is subject to pay an additional surcharge as specified in Appendix 2.



11.10. The Municipality shall charge a fee to discontinue or restore water service as specified in Appendix 2.

11.11. The Municipality will charge a fee for purchases of bulk water from the Fire Hall as specified in Appendix 2.

**12. FINES AND PENALTIES.**

12.1. The Municipality may fine an Owner for any action or inaction by the Owner or any person acting on their behalf to (a) use water or (b) configure or maintain a private water system in such a manner as to result in (i) damage to the municipal water system or (ii) a material compromise to the normal operation of the municipal water system. For details regarding fines, see Appendix 3.

12.2. The Municipality may fine an Owner for any action or inaction by the Owner or any person acting on their behalf to provide water to another user or other third party for any use that is not related to normal use by the Owner that takes place on premises.

12.3. The Municipality may fine an Owner for any action or inaction by the Owner or any person acting on their behalf to use water to support construction or agricultural activity that requires a building permit from the Regional Service Commission or authorization from the Municipality.

12.4. Any person who breaks or causes a water pipe or any other component of the water system to be broken, is liable to pay a fine as specified in Appendix 3.

12.5. For more information regarding specific fines, see Appendix 3.

**13. LIABILITY.**

13.1. The Municipality shall not be liable for any loss, damage, or injury caused or done by reason of the interruption of water supply, water system operation, water pressure or its variation, drawing of a vacuum on the water system, or intermittent flow of the sewer system.

13.2. The Municipality shall not be liable for any loss, damage, or injury caused or done by reason of the installation of a service connection to the municipal water system or sewer system.

13.3. No person shall be entitled to receive damages for the discontinuance of water service or sewer service hereunder.

**14. REPEAL OF PRIOR BY-LAW. By-Law C-05 (Water System and Sewer System) repeals By-Laws C-2 (The Water System) and C-3 (The Sewerage System).**

## 15. EFFECTIVE DATE.

FIRST READING

December 12, 2023

SECOND READING

January 16, 2024

THIRD READING AND ENACTMENT

JANUARY 16, 2024

## 16. SIGNATURES.

MAYOR

Tracey DeMerchant

Tracey DeMerchant

CLERK

Rob Webber

R/W/L

## APPENDIX 1: USER FEES

This section provides fees for the use of municipal water and sewer services. Note that each user will be subject to pay user fees as either (a) *an unmetered user* according to the applicable annual flat rate OR (b) *a metered user* according to actual annual consumption. In addition, users that receive water service but not sewer service from the Municipality, or visa-versa, will only pay for the service that they receive.

### UNMETERED USERS – WATER AND SEWER FEES

Users that receive water and sewer service that are NOT on a water meter are subject to the following fees. Note that the Hartland Community School will be charged one Residential Dwelling – Non-Apartment fee for every 15 students.

SERVICE	ANNUAL FEE
Residential Dwelling – Apartment	\$475
Residential Dwelling – Non-Apartment	\$695
Commercial / Industrial / Non-Profit User	\$550

### UNMETERED USERS – WATER FEES (NO SEWER)

Users that only receive water service (no sewer) that are NOT on a water meter are subject to the following fees.

SERVICE	ANNUAL FEE
Residential Dwelling – Apartment	\$285
Residential Dwelling – Non-Apartment	\$417
Commercial / Industrial / Non-Profit User	\$330

### UNMETERED USERS – SEWER FEES (NO WATER)

Users that only receive sewer service (no water) that are not on a water meter are subject to the following fees.

SERVICE	ANNUAL FEE
Residential Dwelling – Apartment	\$190
Residential Dwelling – Non-Apartment	\$278
Commercial / Industrial / Non-Profit User	\$220

**METERED USERS - WATER AND SEWER FEES**

Users that receive water service and sewer service that are on a water meter are subject to the following fees.

SERVICE	FEE PER GALLON
0 to 50,000 gallons per year	\$0.00575
50,001 gallons or more per year	\$0.00275

## APPENDIX 2: OTHER FEES

Fees to connect to, or disconnect from, municipal water and sewer systems are as follows.

### CONNECTION TO WATER SERVICE FEE

The rate structure below shall apply to connect to the water system.

SERVICE	FEE
Connect ¾ Water Line to Property	\$400
Connect 1" Water Line to Property	\$550
Connect more than 1" and less than 2" water line to Property	\$550 plus material cost
Connect greater than 2" Water Line to Property	Set by Council resolution

### DISCONNECTION FROM WATER SERVICE FEE

The rate structure below shall apply to disconnect from the water system.

SERVICE	FEE
To discontinue or restore a water service during regular working hours (8 am to 5 pm).	\$150
To discontinue or restore a water service after regular working hours (from 5 pm to 8 am on weekdays or any time on Saturday or Sunday).	\$300

### CONNECTION TO SEWER SERVICE FEE

The rate structure below shall apply to connect to the sewer system.

SERVICE	FEE
Connect 4" Sewer Line to Property	\$500
Connect 6" Sewer Line to Property	\$750
Connect 8" Sewer Line to Property	\$1000

### BULK WATER FEE

The Municipality will charge 15 cents per gallon for purchases of bulk water from the Fire Hall, with a minimum charge of one hundred dollars (\$100).

### **METER READING FEE**

If an Owner asks the Municipality to conduct a meter reading to validate a meter reading, and if that test confirms the accuracy of the original reading, the Owner must pay a fee to the Municipality of one hundred dollars (\$100).

### **FROZEN GROUND FEE**

When the Municipality installs a water service connection or a sewer service connection when the ground is frozen, the user is subject to pay an additional surcharge of five hundred dollars (\$500). If the cost to the Municipality for manpower, equipment, and materials exceeds \$500, the Municipality may charge an additional incremental fee to recover its costs.

### **LATE PAYMENT FEE**

Owners that fail to pay their water and sewer bills on or before June 1 will be subject to a one-time fee of \$50 and an interest charge of 10% per month on the overdue unpaid balance.

## APPENDIX 3: FINES AND PENALTIES

Fines and penalties for violations of this by-law are as follows.

VIOLATION	FINE/PENALTY
Breaking or otherwise damaging any part or component of the water system or sewer system.	\$200 to \$2000 (discretion of CAO)
Depositing any object or substance or other thing in the Town water or sewer system that may impair, damage, or obstruct the normal operation and functioning of the system.	\$200 to \$2000 (discretion of CAO)
Discharging into any sanitary sewer storm water, surface water, ground water, roof run-off water, sub-surface drainage water, cooling water, or unpolluted industrial water.	\$200 to \$2000 (discretion of CAO)
Obstructs access to a fire hydrant or interferes with the use of a fire hydrant.	\$200 plus the cost to remove the obstruction and repair resulting damages
All other offences and violations of this by-law.	\$200 to \$2000 (discretion of CAO)