



Hartland

By-Law No. C-05.02

WATER SYSTEM AND SEWER SYSTEM

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, operation, maintenance, connection, disconnection, charges, and enforcement of Hartland's water system and sewer system.

RESIDENT INFORMATION. This by-law applies only to properties within the Service Area where municipal water and sewer infrastructure is available. In general, the Owner is responsible for water and sewer service lines located on the Owner's property up to the property line. The Municipality is responsible for municipal mains and municipal service connections located beyond the Owner's property line. This information is provided to help residents understand the by-law. If there is any inconsistency, the wording of the by-law prevails.

1. DEFINITIONS.

"Backwater Valve" means a device that prevents the flow of liquids and solids from reversing direction. Examples of liquids and solids include water and sewage.

"BOD" means biochemical oxygen demand, being the quantity of oxygen used in the biochemical oxidation of organic matter over a specified time, at a specified temperature, and under other specified conditions.

"CAO" means the Chief Administrative Officer for the Municipality of Hartland.

"Leaseholder" means any tenant that the Owner permits to use the Owner's property according to the terms of a lease.

"Mains" means all common sewers, water pipes, and related systems owned or operated by the Municipality.

"Municipality" means the Town of Hartland, being the legal name under which the local government continues to enter into contracts and agreements, and includes the municipal area established following amalgamation on January 1, 2023.

1.1. "Owner" means the legal Owner of the property or premises.

"Private System" means a water system, sewerage system, or pipeline that is located on private property and is not owned by the Municipality.

“Residential Dwelling” means a house, apartment, mobile home or trailer, group of rooms, or 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 represents two (2) residential dwellings.

“Service” means the private portion of a water service pipe or sewer service pipe that extends from a building or residence to the property line of the property being served.

“Service Connection” means the portion of a water service pipe or sewer service pipe that extends from a municipal main to the property line of the property being served.

“Service Area” means the area within the former Town of Hartland where municipal water and sewer services are available.

- 1.2. “Storm Sewer” means a pipe or conduit for carrying only storm water, surface water, or excess ground water.

“User” means any person, Owner, tenant, building, structure, or premises that is connected to the water system or the sewer system within the Service Area. A “User” may or may not also be the “Owner” of the property or premises.

“Sewer System” means 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.

- 1.3. “Water Main” means a water pipe leading from a water system.

“Water System” means Hartland’s water infrastructure and facilities, including 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.

2. SERVICE APPLICATION PROCESS.

Unless otherwise directed by the Municipality, applications, requests, and notices required under this by-law must be submitted to the Municipal Office. The Municipal Office will receive and record submissions on behalf of the Municipality and refer them for review, decision, or action as required. Payments required under this by-law shall be made in accordance with the User Fee Policy and the Master Fee Schedule.

When an Owner requires a service connection, the Owner must complete and submit an Application for Service Connection to the Municipal Office and pay any applicable fee required under the User Fee Policy and the Master Fee Schedule.

The CAO may refer the application to Public Works for technical review before deciding whether the work may proceed. If approved, the CAO may direct Public Works to complete or authorize the work unless, in the opinion of the CAO, the work cannot be completed without compromising, or risking compromise to, the working order and operation of the water system or the sewer system.

When the CAO rejects an application, the applicant may appeal the decision by submitting a written letter to Council. Council will hear the appeal and make a final decision at the next regular meeting of Council, unless additional information or notice is required.

3. MUNICIPAL OPERATION.

The Municipality shall own, operate, and maintain the water system and sewer system within the Service Area.

The Municipality shall supply water service and sewer service only within the Service Area and only where the applicable municipal infrastructure is available for connection. Subject to that limitation, the systems may be used for the following purposes:

the domestic uses of residents within the Service Area;

the general uses of the Municipality, its employees, and its departments, including the Public Works Department, the Recreation Department, and the Fire Department; and

the general uses of commercial or industrial enterprises, public institutions, and non-profit organizations, such as schools and churches, that are located within the Service Area.

The Municipality may refuse to provide water service or sewer service to any user if, in the opinion of the Municipality, providing the service would impair its ability to provide water or sewer service to other users.

The Municipality may decline to lay pipe at any time when, in the opinion of the Municipality, conditions or circumstances are not suitable to perform the work.

The Municipality may enter any property or premises at all reasonable times to inspect water system components or to complete any other work associated with the operation and maintenance of the water system.

The Municipality may enter any property or premises at all reasonable times to inspect sewer system components or to complete any other work associated with the operation and maintenance of the sewer system.

- 3.1. 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.

The Manager of Public Works, or a person authorized by the Municipality, may inspect, without obstruction and at all reasonable times, the plumbing and private sewerage system installed in any premises or on any property within the Service Area.

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 written approval of the CAO.

4. CONNECTION TO WATER SYSTEM.

- 4.1. All connections to the municipal water pipes must conform to the plumbing codes of the Province of New Brunswick.

Where the Municipality has provided water service to all or a portion of the frontage of any property within the Service Area that requires water service, the Owner of that property must connect to the municipal water system, unless the Owner applies in writing to the CAO to waive access to the municipal water system and Council waives the requirement by resolution.

For greater certainty, the requirements in this section apply to new construction, new buildings, additions requiring water service, and existing buildings where connection to the municipal water system is required under this by-law.

The Owner shall be responsible for all costs to install, repair, replace, and maintain the water service line from the building or residence to the property line, including all private connection pipes, fittings, valves, and appurtenances located on the Owner's property. These costs include materials, labour, and any restoration required on the Owner's property.

Once an Owner connects a building on their property to the municipal water system, the Owner becomes a user of that service and must disconnect all buildings on that property from any other water service. The Owner shall not use an alternative water service in any building on that property unless approved in writing by the CAO.

- 4.2. 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.
- 4.3. 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.
- 4.4. Every water service to a building shall have a water stop in an accessible position immediately inside the service entrance wall of the building.

The Owner of a building shall take all steps necessary to maintain in good working order the water laterals that service the building, including the portion of the water lateral located on the Owner's property up to the property line.

- 4.5. 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.
- 4.6. 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.
- 4.7. No person shall tap into, connect to, or otherwise access a water main in the Municipality without the written approval of the CAO.

5. WATER METERS.

- 5.1. 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.

5.1.1. The Owner shall be responsible for the cost of purchasing and installing a water meter.

5.1.2. 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.

5.2. 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.

5.3. 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.

5.4. The reading of the water meter shall be prima facie evidence of the quantity of water supplied.

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 written request to the Municipal Office. After the test is completed, if the meter reading that was challenged is found to be accurate, the Owner must pay any applicable fee required under the User Fee Policy and the Master Fee Schedule.

5.5. All water meters must be located to prevent damage from freezing.

5.6. No water meter may be removed without the written permission of the CAO.

6. HYDRANTS.

6.1. 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.

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 1.

Any person who breaks or causes a hydrant to be broken is liable to pay a fine as specified in Appendix 1.

7. CONNECTION TO SEWER SYSTEM.

7.1. All connections to municipal sewer pipes must conform to the plumbing and other building codes of the Province of New Brunswick.

Where the Municipality has provided sewer service to all or a portion of the frontage of any property within the Service Area that requires sewer service, the Owner of that property must connect their private sewerage service to the municipal sewer system, unless the Owner applies in writing to the CAO to waive access to the municipal sewer system and Council waives the requirement by resolution.

For greater certainty, the requirements in this section apply to new construction, new buildings, additions requiring sewer service, and existing buildings where connection to the municipal sewer system is required under this by-law.

The Owner shall be responsible for all costs to install, repair, replace, and maintain the wastewater service line from the building or residence to the property line, including all private connection pipes, fittings, valves, and appurtenances located on the Owner's property. These costs include materials, labour, and any restoration required on the Owner's property.

Once an Owner connects a building on their property to the municipal sewer system, the Owner becomes a user of that service and must disconnect all buildings on that property from any other sewer service. The Owner shall not use an alternative sewer service in any building on that property unless approved in writing by the CAO.

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 on the Owner's property up to the property line.

- 7.2. 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.
- 7.3. 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.
- 7.4. No person shall tap into, connect to, or otherwise access a sewer main in Hartland without obtaining the written approval of the CAO.

All sewer connections must have check valves, backflow devices, or other apparatus that prevents any substance from flowing from the municipal sewer service connection pipes into the building or structure.

- 7.5. All wastewaters must be discharged into a public sewer or an approved private sewer system.
- 7.6. 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.
- 7.7. 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:

- 7.7.1. Matter having a temperature greater than 65 degrees Celsius.
- 7.7.2. 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.

Gasoline, benzene, naphtha, fuel oil, acetone, solvents, or other inflammable or explosive matter.

- 7.7.3. 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.

- 7.7.4. Matter having a pH lower than 6.0 or higher than 9.5.

- 7.7.5. Any liquid matter containing suspended solids exceeding 350 milligrams per liter.
- 7.7.6. Matter that may cause the death of, or injury to, any person.
- 7.7.7. Matter that could damage or endanger the structures, equipment, or personnel of the sewage works.
- 7.7.8. 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.
- 7.7.9. Any matter in which the Biological Oxygen Demand (BOD) exceeds 300 parts per million (ppm).

Animal waste of any type, including hair, wool, fur, feathers, intestines or stomach casings, paunch, manure, or intestinal contents, hides or parts thereof, hooves, toenails, horns, bones, and fleshings.

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 the 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 that 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
CADMIUM (CD)	2.0
CHLORIDE (CL)	1500.0
CHROMIUM (CR)	5.0
COPPER (CU)	5.0
CYANIDE (HCN)	1.0
FLUORIDE (F)	10.0
IRON (FE)	50.0
LEAD (PB)	5.0
MERCURY (HG)	0.1
NICKEL (NI)	5.0
PHENOLIO COMPOUNDS	1.0

ELEMENT	MAXIMUM MILLIGRAMS PER LITRE (MG/L)
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

8. DISCONNECTION FROM WATER SYSTEM OR SEWER SYSTEM.

- 8.1. 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.

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 the payment is due. Owners who fail to submit payment to the Municipality on time and in full for water service shall be subject to applicable disconnection and reconnection charges under the User Fee Policy and the Master Fee Schedule.

- 8.2. 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.

If water service or sewer service is disconnected for any reason, the Owner must pay any applicable charges required under the User Fee Policy and the Master Fee Schedule. 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.

9. REPAIR AND MAINTENANCE.

The Municipality shall pay for the cost to repair and maintain all elements of the water system and sewer system that are located within municipal property or a municipal right-of-way, including municipal mains and municipal service connections located beyond the Owner's property line.

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 up to the property line, including connection pipes, fittings, valves, and appurtenances.



Figure 1: General illustration of water and sewer service responsibility. This illustration is provided to help residents understand the general division of responsibility between the property owner and the Municipality. The Owner is generally responsible for service lines located on the Owner's property up to the property line. The Municipality is generally responsible for municipal mains and municipal service connections located beyond the Owner's property line. In the event of any inconsistency, the wording of this by-law prevails.

If water system or sewer system elements located on one non-municipal property connect to water system or sewer system elements located on another non-municipal property before connecting to the Municipality's water system or sewer system, the Owners of those non-municipal properties are responsible for establishing an agreement between themselves for the repair, maintenance, access, and cost-sharing of those private elements.

- 9.1. 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.

USER FEES AND CHARGES BY REFERENCE.

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 sewer system. User fees and charges are established under the Municipality's User Fee Policy and Master Fee Schedule.

The Municipality may charge fees or charges to connect to, disconnect from, discontinue, restore, meter, test, or otherwise administer the Municipality's water and sewer services in accordance with the User Fee Policy and the Master Fee Schedule.

Council may, by resolution and from time to time, amend the User Fee Policy and Master Fee Schedule.

Unless the Owner has a signed agreement with the Municipality that exempts the Owner from certain fees or charges, Owners shall pay all applicable fees and charges established under the User Fee Policy and the Master Fee Schedule.

Each calendar year, the Municipality will issue water and sewer bills on or after March 1 and on or before March 31. The Owner shall pay in full all water and sewer fees and charges on or before April 30, in accordance with the User Fee Policy and the Master Fee Schedule.

Owners that fail to pay their water and sewer bills on or before June 1 will be subject to applicable late payment charges under the User Fee Policy and the Master Fee Schedule. The Municipality may waive late payment charges on a case-by-case basis.

The Owner of a property or building may be entitled to a prorated rebate of the annual fee for unmetered water, in accordance with the User Fee Policy and the Master Fee Schedule, 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 Municipal Office in writing prior to the absence.

- 9.2. 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.

When the Municipality installs a water service connection or sewer service connection when the ground is frozen, the user shall pay any applicable frozen ground surcharge established under the User Fee Policy and the Master Fee Schedule.

The Municipality may charge a fee to discontinue or restore water service in accordance with the User Fee Policy and the Master Fee Schedule.

The Municipality may charge a fee for purchases of bulk water in accordance with the User Fee Policy and the Master Fee Schedule.

10. FINES AND PENALTIES.

The Municipality may fine an Owner for any action or inaction by the Owner or any person acting on their behalf to use water or configure or maintain a private water system in a manner that results in damage to the municipal water system or materially compromises the normal operation of the municipal water system. For details regarding fines, see Appendix 1.

- 10.1. 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.
- 10.2. 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.

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 1.

For more information regarding specific fines, see Appendix 1.

11. LIABILITY.

- 11.1. 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.
- 11.2. 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.
- 11.3. No person shall be entitled to receive damages for the discontinuance of water service or sewer service hereunder.

12. 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).

13. EFFECTIVE DATE.

FIRST READING

SECOND READING

THIRD READING AND ENACTMENT

14. SIGNATURES.

MAYOR

Tracey DeMerchant

CLERK

Julie Stockford

APPENDIX 1: 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.	\$250 to \$2,500 (at the discretion of the CAO)
Depositing any object, substance, or other thing in the municipal water or sewer system that may impair, damage, or obstruct the normal operation and functioning of the system.	\$250 to \$2,500 (at the discretion of the 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.	\$250 to \$2,500 (at the discretion of the CAO)
Obstructing access to a fire hydrant or interfering with the use of a fire hydrant.	\$250 plus the cost to remove the obstruction and repair resulting damages
All other offences and violations of this by-law.	\$250 to \$2,500 (at the discretion of the CAO)