Municipality of Five Rivers

By-Law B.05.02

RESPECTING THE SEWER SYSTEM

1. AUTHORITY. The Council of Fiver Rivers, under the authority vested in it by section 81 of the *Local Governance Act*, enacts this by-law to regulate the use of the sewer system in Five Rivers.

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 the Chief Administrative Officer of Five Rivers.

2.4. "**Developed property**" means a parcel of land with structural buildings that support human occupancy.

2.5. "**Leaseholder**" refers to any tenant that the owner permits to use his or her property according to the terms of a lease.

2.6. "**Mains**" refers to all common sewers and related systems of Five Rivers in Rexton.

2.7. "**Municipality**" refers to the municipality of Five Rivers, which is comprised of the former village of Rexton, parts of the former Local Service Districts (LSDs) Harcourt and Weldford, and all of the former LSD Richibucto Parish.

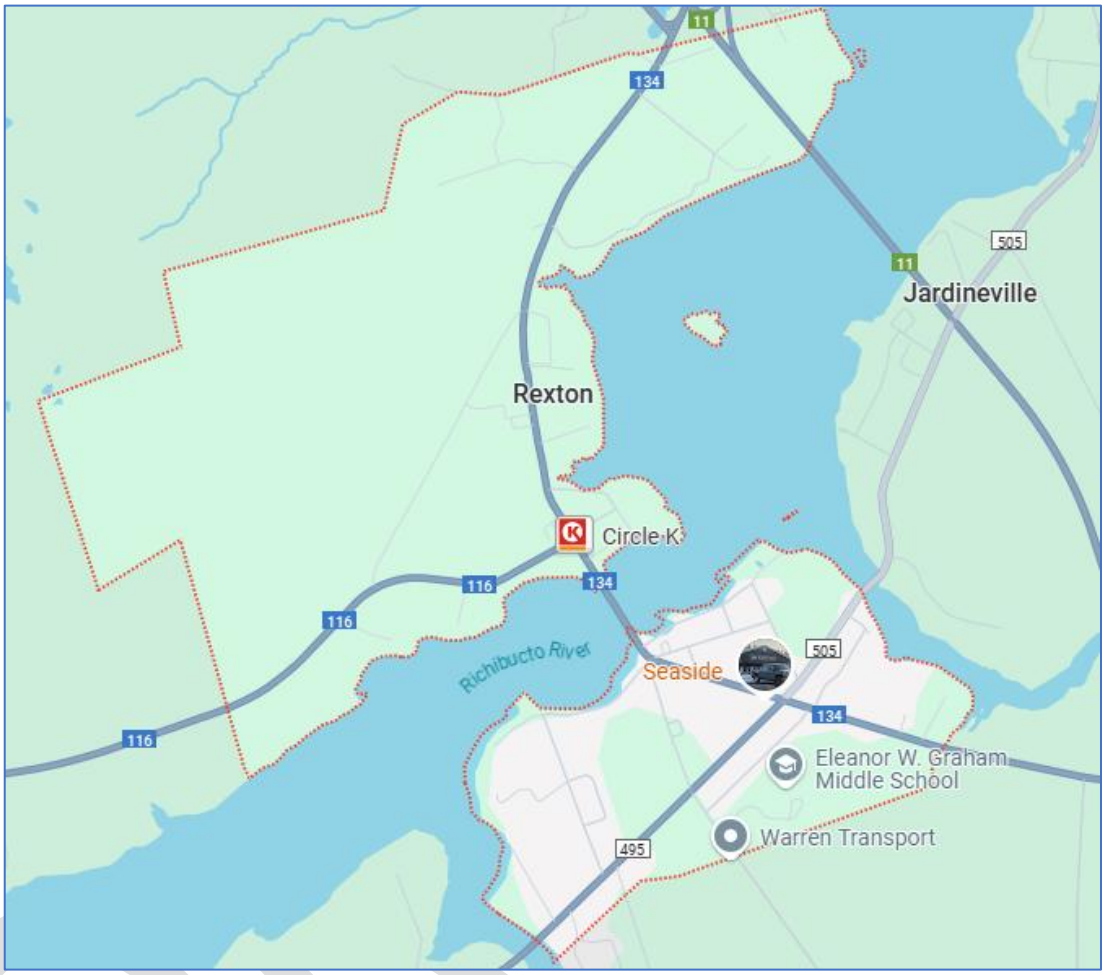
2.8. "**Owner**" means the legal owner of the property or premises.

2.9. "**Private system**" means a sewerage system or pipeline that (a) resides outside right-of-way of Five Rivers and (b) is not owned by Five Rivers.

2.10. "**Residential dwelling**" refers to a house, a condominium, 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 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.

DRAFT

2.11. "**Rexton**" refers to the former village of Rexton, which became part of Five Rivers on January 1, 2023, through New Brunswick's local government reform. The boundaries of Rexton are shown below.



2.12. "**Sanitary sewer**" means a sewer that carries and receives water-borne wastes from residential, institutional, commercial, or industrial buildings, and to which storm, surface, or ground waters shall <u>not</u> be admitted.

2.13. "**Service**" means a sewer system pipe extending from a sewer system main line to any building.

2.14. "**Service connection**" means a sewer service pipe extending from a sewer main line to the limits of the road or street.

2.15. "**Service connector**" means any piping system that conveys sewage or liquid waste from any private property to the sewer system in Five Rivers in Rexton.

2.16. "**Storm sewer**" or "**storm drains**" means a sewer system that receives and carries storm water and surface runoff water.

2.17. "**Sewage**" means wastewater and waste matter that is discharged from residences and from commercial, industrial, institutional, and public facilities of Five Rivers in Rexton.

2.18. "**Undeveloped property**" means a parcel of land with no structural buildings capable of supporting human occupancy. Undeveloped properties may also be called "**vacant lots**."

2.19. "**User**" means any person or structure connected to the sewer system of Five Rivers in Rexton. A "user" may or may not also be the "Owner" of the property or premises.

2.20. "**Sewer system**" refers to the system of storm sewers and sanitary sewers that is owned or leased and operated by the municipality of Five Rivers in Rexton, including wastewater mains, branch mains, force mains, drains, pumps, treatment works, cleanouts, discharge outlets, and other elements owned or leased by Five Rivers to collect, treat, and dispose of surface water and wastewater. The term "*sewer system*" shall be used in this document instead of the term "*sewerage*" to avoid confusion with the term "sewage."

3. SERVICE APPLICATION PROCESS.

3.1. When an owner requires a one-time service connection, the municipality will not plan and schedule the work until the owner (a) applies for and receives a sewer connection permit from Five Rivers (see Appendix 1) and (b) submits full payment for the permit and the related connection fee to the 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 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. Five Rivers shall own, operate, and maintain all sewer systems within the former village of Rexton except for private sewer systems that have been approved by Council.

4.2. Within the boundaries of the former village of Rexton, Five Rivers shall supply a sewer service for:

4.2.1. the domestic uses of municipal residents;

4.2.2. the general uses of Five Rivers, its employees, and its departments, including the Public Works Department, the Fire Departments; 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 Five Rivers in Rexton.

4.3. Five Rivers may not provide a sewer service to any user if the CAO believes doing so would impair the municipality's ability to provide service to other users.

4.4. Five Rivers reserves the right not to lay pipe(s) at any time when, in the opinion of Five Rivers, conditions or circumstances are not suitable to perform the work.

4.5. Five Rivers 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.

DRAFT

4.6. 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.

4.7. The Manager of Public Works, or anyone acting as an agent on behalf of Five Rivers, may inspect, without constraints and at all reasonable times, the plumbing and private sewerage system installed in any premises or on any property of Five Rivers in Rexton.

5. No excavation shall be made in any street, lane, or thoroughfare within Rexton, for the purpose of connecting any private residence, building, or premises to the municipal sewer system, from December 1 to May 1, without the consent of the CAO.

6. CONNECTION TO AND USE OF SEWER SYSTEM.

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

6.2. All stations, garages, and buildings that are used to repair or service motor vehicles that connect to the sewer system of Five Rivers in Rexton shall install in their sewer system a grease trap or oil separator that complies with applicable regulations of the Province of New Brunswick.

6.3. The owner of a developed property located within 250 feet of the municipal sewer system shall connect to the sewer system of Five Rivers and be required to pay the applicable service fees.

6.4. The owner of a developed property located within 250 feet of the municipal sewer system that has a preexisting septic system may be granted an exemption from the requirement under subsection 6.3 if (a) their septic system has been approved by a building inspector for Five Rivers and (b) their property complies with the zoning regulations related to septic systems in the Five Rivers Rural Plan. To apply for the exemption, the owner must submit their request in writing to the Manager of Public Works, who in consultation with the CAO will decide whether to grant exemption.

6.5. The owner of a developed property located more than 250 feet from the municipal sewer system may apply to receive sewer service from Five Rivers, subject to the approval of Five Rivers and to the owner's agreement to cover the full cost of installation as determined by Five Rivers.

6.6. The owner of an undeveloped property that is located within 250 feet of the municipal sewer system shall pay the sewer service fee for a vacant lot under Policy P.04.

6.7. For new sewer connections, the minimum size for sewer pipe shall be six foot. Larger sizes may be required for buildings with three of more dwellings, subject to the approval of the Manager of Public Works.

6.8. The owner shall be liable for all costs to install, repair, replace, and maintain the wastewater connection from their residence to municipality's property line. These costs shall include the cost of materials and labor as well as the cost to repair public property such as roads and streets.

6.9. 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.

DRAFT

6.10. 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.

6.11. The owner and operator of a private sewer system, including those used by residential dwellings, must keep those systems in good repair, to protect the sewer system of Five Rivers in Rexton.

6.12. If a property can receive sewer service from Five Rivers, 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.

6.13. No person shall tap into, connect to, or otherwise access a sewer main of Five Rivers in Rexton without obtaining the written approval of the CAO.

6.14. 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.

6.15. All wastewaters must be discharged into a public sewer or an approved private sewer system.

6.16. 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, unpolluted industrial water.

6.17. Storm water and all other unpolluted drainage shall be discharged to a storm sewer of Five Rivers in Rexton, or to a natural outlet.

6.18. No person shall uncover, make any connections with or openings into, use, alter, or otherwise disturb any part of the sewer system of Five Rivers in Rexton without the express written permission of the CAO. For example, a sump pump shall not be drained into the public sewer without the express written permission of the CAO.

6.19. 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:

6.19.1. Matter having a temperature greater than 65 degrees Celsius.

6.19.2. 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.

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

6.19.4. 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.

6.19.5. Matter having a pH lower than 6.0 or higher than 9.5.

6.19.6. Any liquid matter containing suspended solids exceeding 350 milligrams per liter.

DRAFT

6.19.7. Matter that may cause the death of, or injury to, any person.

6.19.8. Matter that could damage or endanger the structures, equipment, or personnel of the sewage works.

6.19.9. 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.

6.19.10. Any matter in which the Biological Oxygen Demand (BOD) exceeds 300 parts per million (ppm).

6.19.11. 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.

6.19.12. Matter containing a toxic, corrosive, 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. Five Rivers 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 1 below.

TABLE 1: MAXIMUM DISCHARGE ALLOWED BY ELEMENT

ELEMENT	MAXIMUM MILLIGRAMS PER LITRE (MG/L)
ALUMINUM (AI)	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
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

DRAFT

ELEMENT	MAXIMUM MILLIGRAMS PER LITRE (MG/L)
TIN (SN)	5.0
ZINC (ZN)	5.0
PESTICIDES	0.0
HERBICIDES	0.0

7. DISCONNECTION FROM SEWER SYSTEM.

7.1. Five Rivers reserves the right to disconnect from a sewer service if the related owner or user violates any provision of this by-law.

7.2. Five Rivers may disconnect the 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 Five Rivers in time and in full for service shall be subject to pay the applicable disconnection and reconnection fees. Five Rivers shall provide written notice at least two weeks in advance of a planned disconnect date.

7.3. An owner may request to have sewer service to a property discontinued on any basis upon filing a written request with Five Rivers, but no credit will be given for any of that 6-month billing period.

7.4. If a 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 values or valve boxes to facilitate service disconnection, the owner must pay for the cost of such repairs and related work.

8. REPAIR AND MAINTENANCE.

8.1. Five Rivers shall pay for the cost to repair and maintain all elements of the sewer system that are located within the boundaries of the former village of Rexton, including its right-of-way.

8.2. The owner shall pay for the cost to repair and maintain all elements of the sewer system that is located within the Owner's property, including connection pipes, fittings, valves, and appurtenances.

8.3. If the sewer system of one non-municipal property connects to the sewer system of another non-municipal property before it connects to the sewer system of Five Rivers in Rexton, the owners of the non-municipal properties shall be responsible to establish an agreement regarding the actions and costs to repair and maintain their sewer system.

8.4. All work conducted on the sewer system of Five Rivers in Rexton must be completed or authorized by the Manager of Public Works Department for Five Rivers.

DRAFT

9. RATES, FEES, CHARGES, FINES, PENALTIES.

9.1. Under section 81 of the *Local Governance Act*, Five Rivers has the authority to charge user fees to cover its costs to (a) finance, operate, and maintain its sewer system and (b) connect and disconnect from the sewer system of Five Rivers in Rexton.

9.2. All fees, charges, and fines related to this by-law are presented in Policy P.04, the policy document of Five Rivers that contains its complete list of fees, charges, and fines for all municipal services.

9.3. Unless the owner has a signed agreement with Five Rivers that exempts the owner from certain fees and charges, Owners shall be subject to pay applicable fees and charges.

9.4. Each calendar year, Five Rivers will issue sewer bills after January 31 and before April 1. The owner shall be responsible to pay in full all sewer fees and charges, including connection and disconnection fees, on or before May 31.

9.5. Owners that fail to pay their sewer bills on or before May 31 shall be subject to pay penalties.

9.6. When Five Rivers installs a sewer service connection when the ground is frozen, the user is subject to pay an additional surcharge.

9.7. When Five Rivers installs a sewer service connection that requires the municipality to disturb or modify streets, curbs, or sidewalks, the user is subject to pay an additional surcharge, as specified in Policy P.04. Note that the municipality may not action such requests where the work will take place during the winter months (November to March).

9.8. When Five Rivers installs a sewer service connection that requires the municipality to disturb or modify streets, curbs, or sidewalks, the municipality shall process the request on a best-efforts basis while considering factors such as time-of-year, weather, contractor availability, and potential impacts on municipal infrastructure and operations. The municipality cannot guarantee that such requests will be processed within a certain time, especially during the winter months (November to March).

9.9. Five Rivers reserves the right, at its own discretion, to waive any fee, charge, or fine, or to grant a rebate or refund, on a case-by-case basis.

9.10. Any person who breaks or causes a sewer pipe or any other component of the sewer system to be broken, is liable to pay a fine.

10. LIABILITY.

10.1. Five Rivers shall not be liable for any loss, damage, or injury caused or done by reason of the intermittent flow of the sewer system.

10.2. Five Rivers 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 sewer system.

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

11. REPEAL OF PRIOR BY-LAW. This By-Law B.05.02 repeals By-Law B.05.01, enacted by Five Rivers in May 2025.

DRAFT

12. EFFECTIVE DATE.

FIRST READING _____

SECOND READING _____

THIRD READING AND ENACTMENT _____

13. SIGNATURES.

MAYOR Tina Beers

_____

CLERK Rob Webber

_____

DRAFT

Appendix 1
CONNECTION APPLICATION
Five Rivers Sewer system

The undersigned hereby applied/apply to uncover, make a connection with or opening into, and/or use the sewer system of Five Rivers.

Property Owner(s): _____

Phone 1 (Home) _____ Phone 2 (Mobile/Business) _____

Civic Address of Property _____

PID of Property _____

Building Type _____ # of Dwelling Units _____

Proposed Date of Hook-Up _____

TERMS & CONDITIONS

By signing below, the property owner(s) agree(s) to the following terms and conditions.

1. I/We represent that I am/we are the legal owners of the property.
2. I/We hereby grant to the Municipal Public Works or his authorized agent the right to enter the property for the purpose of inspection of the Sewer Service.
3. I/We hereby agree to abide by and be subject to all the terms and conditions set forth in By-Law B.05.
4. I/We agree to pay all applicable service charges and fees that may be set from time to time pursuant to By-Law B.05 and Policy P.04.
5. This agreement shall be binding on me/us and my/our successors and assigns.
6. I/We are aware of the requirements of the Five Rivers Rural Plan and my/our responsibilities thereunder.
7. I/We agree to use the above property and its structure(s) for the purpose stated only.
8. I/We are aware construction methods used must safeguard public and private property and must be carried out in strict compliance with the Occupational Health and Safety Act, S.N.B. (1983), Chapter O.0.2 as amended.
9. I/We agree to permit and facilitate observation of the work under this Permit by the Building Inspector and public authorities at all times.
10. All records in the custody and control of the Five Rivers are subject to the provisions of the *Right to Information and Protection of Privacy Act*, SNB 2009, C r-10.6. The collection of personal information on this form us for the purpose of issuing, renewing, and/or administering this application. Collection is authorized in accordance with municipal by-laws and/or legislation and may be subject to disclosure under the provisions of the *Right to Information and Protection of Privacy Act, supra*. Any questions regarding the collection of this information can be directed to the Municipal Clerk, 82 Main Street, Rexton, NB EW4 5N4 (506-523-6921).

Signature of Property Owner	**Signature of Property Owner**

TO BE COMPLETED BY MUNICIPALITY

PERMIT #		PERMIT FEE ($)	
CONNECTION FEE		DATE	

DRAFT