

VILLAGE OF NEW MARYLAND

BY-LAW NO. 42

A BY-LAW RELATING TO THE WATER AND SEWER SYSTEMS

(Consolidated January 2017)

The Council of the Village of New Maryland, under authority vested in it by Sections 189 and 100 of the *Municipalities Act*, R.S.N.B. 1973, c.M-22 and amendments thereto, hereby enacts By-Law No. 42 as follows:

1. In this By-law,
 - (1) “auxiliary water supply” means any water supply on or available to the premises other than the purveyor’s approved public water supply. The auxiliary water may include water from another purveyor’s public water supply or from any natural source, such as a well, lake, spring, river, stream, or harbour; auxiliary water may also include used waters or industrial fluids.;
 - (2) “backflow” means a flowing back or reversal of the normal direction of the flow;
 - (3) “backflow preventer” means a device or a method that prevents *backflow*;
 - (4) “backwater valve” means a check valve designed for use in a gravity drainage system;
 - (5) “building drain” means the horizontal piping, including any vertical offset that conducts sewage, clear-water waste or storm water to a building sewer;
 - (6) "building sewer" or "sanitary sewer service connection" means a pipe that is connected to a building drain 1 m outside a wall of a building and that leads to a public sewer or private sewage disposal system;
 - (7) "Committee" means the Water and Wastewater Committee of the Village of New Maryland;
 - (8) "Council" means the Council of the Village of New Maryland;
 - (9) "cross-connection" - means any actual or potential connection between a potable water system and any source of pollution or contamination. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or any other temporary or permanent connecting arrangements through which backflow may occur are considered to be cross connections.;
 - (10) “cross-connection control program (CCCP)” - means a program initiated by a regulatory authority to administer and regulate the selection, installation, testing, and maintenance of backflow prevention devices;
 - (11) "CSA" means Canadian Standards Association;
 - (12) “CSA B64.10” means CSA B64.10-01/B64.10.1-01 Manual for the Selection and Installation of Backflow Prevention Devices / Manual for the Maintenance and Field

Testing of Backflow Prevention Devices.;

- (13) "customer's water system" means a water system owned by a person other than the Village but which receives water from the Village water system;
- (14) "land drainage works" means any natural or constructed swale, ditch or drainage course that is used to convey surface storm water;
- (15) "NPC" means the National Plumbing Code of Canada in its most recent edition as adopted by Province of New Brunswick;
- (16) "owner" means any person, firm or corporation controlling the property under consideration;
- (17) "plumbing inspector" means an inspector appointed under the *Plumbing Installation and Inspection Act*, Chap.P.9.1 and includes the chief plumbing inspector;
- (18) "potable" means safe for human consumption;
- (19) "Regulation 84-187" means New Brunswick Regulation 84-187 and amendments thereto, under the *Plumbing Installation and Inspection Act*;
- (20) "sewer system" means all of the property involved in the operation of the Village of New Maryland sewer utility, and includes land, wastewater lines and appurtenances, pumping stations, treatment works, and general property;
- (21) "storm building drain" means a building drain that conveys storm water;
- (22) "storm building sewer" means a building sewer that conveys storm water;
- (23) "storm drainage system" means a drainage system that conveys storm water;
- (24) "storm sewer" means a sewer that conveys storm water;
- (25) "storm sewer service connection" means the extension from the storm building sewer to the storm sewer main;
- (26) "storm water" means water that is discharged from a surface as a result of rainfall or snowfall;
- (27) "wastewater" means spent or used water which contains dissolved and suspended matter;
- (28) "water" and "water supply" means the water supplied to consumers for the purposes herein specified;
- (29) "water service pipe" means a pipe that conveys water from a public water main or private water source to the inside of the building;
- (30) "water system" means all of the property involved in the operation of the Village of New Maryland water utility, including land, wells, water lines and appurtenances, treatment

plants, reservoirs, pumping stations, and general property.

2. The Village Council directly or through their designates, shall have the administration, supervision and control of the water and sewer systems.
3. The Council may appoint such officers and employees as from time to time are deemed necessary for the efficient and continuous operation of the water and sewer systems.
4. Council shall have general supervision of the construction, operation, and maintenance of the water system and sewer system.
5. The Village Council shall cause to be made appropriate plans of the water and sewer systems of the Village.
6. (1) The water supply shall be furnished for the following:
 - (a) domestic purposes within the Village;
 - (b) Village purposes;
 - (c) industrial purposes, only with written consent of the Village.(2) Water shall not be furnished for any purpose other than domestic purposes when in the opinion of the Village Council the quality or efficiency of the water supply for domestic purposes within the Village would be thereby impaired.

(3) The Village Council may, subject to the foregoing limitations, furnish water for purposes other than domestic purposes under an agreement in writing that the water supply may be discontinued temporarily or permanently by the Village Council.
7. (1) The locations, elevations, materials and methods of installation for all public and private water and sewer mains, service pipes, and appurtenances shall be approved by the Village Engineer prior to their construction; and where applicable shall be in compliance with NPC and NB Regulation 84-187.

(2) The installation of water, sewer and storm sewer laterals to the home from the property line is the responsibility of a provincially licensed plumbing contractor. Excavation, compaction and backfilling following inspection must be completed by a Village approved contractor. The contractor who performs the excavation, compaction and backfilling must be included on the list of Village Approved Contractors or obtain approval through the office of the Clerk/Development Officer.

(3) Plumbing systems, as defined in the National Plumbing Code of Canada adopted through NB Regulation 84-187, shall be installed as per the requirements of Regulation 84-187 and the National Plumbing Code of Canada.
8. Water shall not be supplied from the water system to any customer's water system unless such

system and related plumbing is:

- (a) approved by the Plumbing Inspector;
- (b) approved by the Village's Engineer; and
- (c) is protected from frost.

9. (1) Where a customer's water system is found to have been installed in violation of requirements of either the NPC or NB Regulation 84-187 or any provisions of this bylaw, the Village Council may direct that the water supply be discontinued until such customer's water system is properly installed and approved and the person supplied has complied with the provisions of this bylaw, as well as the provisions of NPC and NB Regulation 84-187.

(2) Where a customer's water system requires a pressure reducing valve to control excess pressures, such valve and its installation shall be the responsibility of the owner.
10. No connections shall be made to the water system for the purpose of taking water therefrom except under the direct supervision of the Village's Engineer or other person duly authorized by the Village Council for the purpose.
11. (1) At the time of making application for a water service connection the owner shall deposit with the Village Treasurer an amount identified in Schedule "A" to this By-law, to cover the cost of inspecting the installation.

(2) The amount deposited shall be credited to the cost of inspecting the work by the Village's Engineer and should such cost exceed the amount of the deposit, the owner shall pay the difference to the Village Treasurer before the water supply is activated.
12. (1) No owner or other person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, could allow non potable water, wastewater, or any other substance to enter the Village's water system. All new constructions, and existing homes requiring renovations that include plumbing, shall have their water service pipe equipped with a Back-flow Preventer selected as per the requirements of CSA B64.10, approved for use by the Village Engineer, and certified to the applicable CSA standard.

(2) If a condition is found to exist which in the opinion of the Village Engineer is contrary to subsection (1) hereof, the Village Council may either:
 - (a) shut off the service or services, or
 - (b) give notice to the customer to correct the fault within a specified period.(3) Notwithstanding the foregoing, the Village's Engineer may permit cross connection control devices to be installed on the customer's water piping at the sources of potential contamination and/or on the water service pipe.

(4) Where, in the opinion of the Village Engineer, a high risk of contamination of the potable water system exists, or the potential contaminant is extremely dangerous, water service to a customer shall be provided only on the provision that the customer have installed on the customer's water service pipe a backflow preventer, selected in accordance with CSA B64.10 and approved by the Village Engineer in addition to the backflow prevention devices installed on the customer's water piping at the source of potential contamination.

(5) Where a testable backflow preventer is required by either the NPC or by the Village Engineer, that device shall be tested upon installation, when cleaned, repaired, or overhauled, when relocated, and thereafter annually, or more often if required by the Village Engineer or by provincially licensed test personnel approved by the Village Engineer, to demonstrate that the device is in good working condition. The tester shall submit a report in a form approved by the Village Engineer, on any or all tests performed on a device upon completion of each test as per the requirements of Section 14.1(2) of NB Regulation 84-187.

(6) Should a test show that a cross connection control device is not in good working condition, the Village's Engineer shall give notice to the customer to make repairs or replace the device within a specified period, and if the customer fails to comply with such notice the Village Council shall shut off the service or services.

(7) Notwithstanding Section 8 of this By-law, the Village Council may permit the use of a water service for construction purposes for a limited time, provided he is satisfied that adequate provision is made to prevent backflow into the Village water system.

(8) All backflow prevention devices shall be installed as recommended by the manufacturer and approved by the Village Engineer, so as to meet the requirements of NPC 1995 and CSA B64.10.

13. (1) No owner whose premises are served by the water system shall use any auxiliary water supply without consent of the Village Council.
- (2) No person shall allow an auxiliary water supply to be connected to the water system.
- (3) An auxiliary water supply which discharges to the Village sanitary sewer system shall be metered by the Village for the purposes of Village of New Maryland By-law No.40, A By-law Respecting Water Rates and Sewer Rentals.
14. (1) Unless otherwise instructed by the Village Council, the water supply to any premises shall be charged on a unit basis in accordance with the Village of New Maryland By-law No. 40.
15. (1) In those instances where Village Council requires that the water supply to premises be measured by a water meter, the water meter will be supplied and/or installed by the Village, in a location provided by the owner, subject to the following conditions:
- (2) The owner shall provide a place for a water meter which place, in the opinion of the Village's Engineer is suitably located within the building at or near the point of entry of the water service pipe and on the customer side of the shut-off valve, so the meter can be easily read and will not be exposed to freezing temperatures.

- (3) Where the premises of a customer are of such a nature that a meter cannot be properly installed in a building, or if the building is not sufficiently frost-proof as to guarantee the safety of the meter, the Village Engineer may order the construction of an approved frost-proof chamber in which the meter can be installed.
 - (4) Where the required meter is larger than 20 mm nominal pipe diameter, or services more than one above ground floor, it shall be valved on both sides. Where the required meter is larger than 50 mm nominal pipe diameter, or where the required meter is a turbine type, or compound type, the owner shall provide a valved bypass arrangement to enable testing and servicing of the meter.
 - (5) All water meters installed or supplied by the Village or for the Village, are and shall remain the property of the Village.
 - (6) Every owner whose water supply is metered shall be liable for any damage to, or loss of the meter resulting from any cause other than damage covered by the Village.
 - (7) Where an owner requests a Village owned water meter be tested for accuracy, a fee in the amount identified in Schedule "A" to this By-law shall be required, such fee being refundable only if the tested meter is found to register high by more than two percent (2%). The owner will be provided with a certificate verifying the test results.
16.
 - (1) The owner of any premises must file with the Village Treasurer an application in the form provided for that purpose for the construction or replacing of a building sewer or building storm sewer and the connection thereof with the appropriate sewer main.
 - (2) At the time of filing an application the owner shall deposit with the Village Treasurer a fee in the amount identified in Schedule "A" to this By-law to cover the cost of inspecting the installation."
 - (3) The amount deposited shall be credited to the cost of inspecting the work by the Village's Engineer and should such cost exceed the amount of the deposit the owner shall pay the difference to the Village Treasurer before the building is used.
 17. No person shall make a connection to a sewer system, storm sewer or land drainage works unless the person has demonstrated that the requirements of NB Regulation 84-187 have been met and has demonstrated to the satisfaction of the Village Engineer that the effluent from his premises will conform to the requirements set forth in By-law No. **41**, A By-law Regulating the Discharge of Water or Wastewater Into Drains, Storm and Sanitary Sewer Systems.
 18. A building sewer or building storm sewer shall be constructed only of such material and of such dimensions and specifications and laid at such grade so as to be in compliance with the requirements of NPC and in such a manner as the Village's Engineer shall direct.
 19. No owner or occupier of any premises shall permit drainage from the perimeter drain or roof

thereof to flow directly or indirectly to the sanitary sewer system.

20. (1) The owner of any building situate upon land abutting a street or public place wherein there is a sewer main or water main shall install in such building, connections with such sewer main and water main and such apparatus and appliances as may be required in the opinion of the Village's Engineer to insure the proper sanitary conditions of the premises and surrounding or adjacent properties.
- (2) In order to avoid sewer back-ups to the inside of a building, all new constructions shall install a backwater valve on the building drain, provided that the backwater valve is a "normally open" design conforming to CSA B70, "Cast Iron Soil Pipe, Fittings, and Means of Joining"; CSA B181.1, "ABS Drain, Waste, and Vent Pipe and Pipe Fittings"; CSA B181.2, "PVC Drain, Waste, and Vent Pipe and Pipe Fittings"; or CSA B182.1, "Plastic Drain and Sewer Pipe and Pipe Fittings"; and does not serve more than one dwelling unit.
21. No person shall:
- a) except for firefighting purposes, use, interfere, change, tamper, connect to or obstruct any mains, pipes, hydrants, valves, meters, automatic meter readers or other apparatus utilized for the supply and distribution of water unless authorized by the Public Works Supervisor;
 - b) use the municipal water supply pressure or flow as a source of power;
 - c) use the municipal water supply as a source of heat or energy except as otherwise permitted herein;
 - d) connect to the municipal water supply except by a direct connection to the water main;
 - e) where Council has, by resolution, declared a water shortage, water their lawn or wash their car;
 - f) sell, lend, give away, or permit to be taken or carried away, any water supplied by the Village of New Maryland unless prior written approval is obtained from the Public Works Supervisor; or
 - g) water lawns, gardens or plants while it is raining, or for more than two hours per day.
22. The Village shall not be liable for any 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.
23. No person shall remove or in any way interfere with any water meter affixed to a water service of the Village without approval of the Village Council.
24. (1) A water supply may be refused or discontinued at any time for:
- (a) non-payment of a water rate;

- (b) non-payment of a sewer rental;
- (c) non-payment of water or sewer connection charge;
- (d) non-payment of any repair, maintenance or inspection related charge;
- (e) violation of any provision of this By-law; or
- (f) the convenience of and at the request of the owner and occupier of the premises.

(2) Where a water supply or sanitary sewer service connection has been discontinued under subsection (1)(a), (b), (c), (d), or (e), the owner shall pay a fee in the amount identified in Schedule "A" to this By-law, together with any amount in arrears before such supply shall be restored. "

25. (1) Property owners whose premises are serviced by Village owned and operated water and/or sanitary sewer systems are responsible for *(at their expense) the clearing of blockages from the entire length of their individual water and sanitary sewer service lateral(s) up to and including the Village's main water and/or sewer line(s) connection.* Owners of property experiencing an interruption of water service and/or sewer blockage are to notify the Village Office. The Village will check the appropriate system(s) and advise the property owner accordingly. If the Village's water and/or sewer systems are functioning normally, the property owner will be advised that the problem is with their service *lateral(s) and/or connection(s)*, and that they are responsible for locating and repairing the same.

(2) Regardless of the location where the service lateral is ultimately repaired, *the cost for all investigative work* associated with determining the *location of the failed service lateral(s) and/or connection(s) will initially* be the full responsibility of the affected property owner. The *Public Works Supervisor and/or Village Engineer may assist in determining* the extent of investigative work required to determine the location and nature of the service lateral(s) *and/or connection(s) failure; their assistance will be provided at the Village's expense.*

(3) If the problem is located on private property, the owner *will be responsible for all costs associated with the investigative work, repair or replacement of any affected service lateral(s) and/or connection(s)* and must contract directly with a Village-approved contractor to correct the failed *service lateral(s) and/or connection(s)*. Upon identifying a water service lateral failure, the property owner must make necessary repairs within 48 (*forty-eight*) hours. If the repairs are not completed within the specified 48 (*forty-eight*) hours, the Public Works Supervisor, at his/her discretion, may use Village forces and contractors to make the repairs. If the Public Works Supervisor determines the water service lateral failure can be detrimental to the Village's water distribution system, or surrounding properties, he/she can have Village forces make repairs immediately. The costs of all repairs performed by the Village forces and contractors will be the responsibility of the affected property owner. The property owner must advise the Village prior to having the work *commenced* and arrange to have *an engineering representative from the Village* on site to inspect the work.

(4) If the service *lateral and/or connection failure is determined to be located* within a municipal street or municipal services easement or public right-of-way, the Village will have the *repair work*

and reinstatement of property completed by their forces, at the Village's expense. *The homeowner shall then be reimbursed for any reasonable expense they incurred in determining the location of the failure.*

26. Whenever a person violates any provision of this By-law, a Municipal By-law Infractions Notice, in the form set out in Schedule "B" attached to this By-law, shall be served on the person presumed to be liable for the offence.
27. (1) A Peace Officer or By-law Enforcement Officer is hereby authorized to enter on any property at all reasonable times for the purpose of ascertaining whether the regulations of this By-law are being observed.
 - (2) Every person who violates any provision of this By-law is guilty of an offence and is liable to a fine of not less than One Hundred and Forty Dollars (\$140.00) and not more than One Thousand and Seventy Dollars (\$1070.00).
 - (3) Unless otherwise provided in this By-law, a Peace Officer or the Village Clerk may, either before or after the institution of proceedings against a person in respect of an offence under this By-law, accept from the person alleged to have been guilty of the offence the payment of:
 - a) for a first offence, a sum equal to the minimum penalty prescribed for such violation;
 - b) for a second offence, a sum equal to twice the minimum penalty prescribed for such violation; and
 - c) for a third or subsequent offence, a sum equal to the maximum penalty prescribed for such violations.
 - (4) The person so accepting payment under this section shall forward such payment to the Treasurer together with a copy of the receipt delivered pursuant to sub-section 27(3) hereof or other record setting forth the information required to be shown on the receipt;
 - (5) A payment under Sub-section 27 (3) hereof shall constitute a full satisfaction, release and discharge of all penalties incurred by such person for such violation, and for the purses hereof shall have the same effect as if a judge had duly convicted the person of the violation for which the amount was paid, and a certificate purporting to be signed by the Treasurer to the effect that the sum has been paid in respect to a specific violation shall be prima facie evidence in all Courts of the conviction.
 - (6) If the voluntary payment set out in section 27 (3) above has not been received on or before the date a charge pertaining to the offence has been laid before the Provincial Court, the person charged with the offence is, in accordance with the provisions of the Provincial Offences Procedures Act, liable on summary conviction to a fine of not less than One Hundred and Forty Dollars (\$140.00) and not more than One Thousand and Seventy Dollars (\$1070.00).
 - (7) If any section, subsection, sentence, clause or phrase of this By-law is for any reason held to be invalid by the decision of any Court of competent jurisdiction, this decision shall not affect the

validity of the remaining portions of this By-law.

28. (1) Any peace officer or by-law enforcement officer is hereby authorized to take such action or issue tickets as they may deem to be necessary to enforce any provisions of this by-law.
- (2) When it appears to the Village Council that a water shortage in the Municipal water supply could jeopardize the health or well being of the public, the Supervisor of Public Works Department may order users to cease and discontinue:
- a) sprinkling and watering of lands, lawns or such other property;
 - b) the use of air conditioners, heat pumps or other such apparatus using the Municipal water as refrigerant; and/or
 - c) the continuous or occasional draining of a swimming pool by replacing evacuated water with Municipal water.
29. (1) Village of New Maryland By-law No. 42, a By-law Relating to the Water and Sewer Systems, enacted on June 16, 1993 and all amendments thereto, are hereby repealed.
- (2) The repeal of Village of New Maryland By-Law No. 42, a By-law Relating to the Water and Sewer Systems, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or are pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

Schedule "A"

Schedule "A" is attached.

Schedule "B"

Schedule "B" is attached.

VILLAGE OF NEW MARYLAND
SCHEDULE "A" to BY-LAW NO. 42
SCHEDULE OF FEES

Service Provided	By-Law Subsection	Fee for Service
Mandatory inspection of water service connection	11(1)	\$150
Water accuracy testing	15(7)	\$100
Mandatory inspection of Storm Sewer connection	16(2)	\$150
Mandatory inspection of Building Sewer connection	16(2)	\$150
Water Service re-connection/restoration	24(2)	\$100