

## BY-LAW NO. 6

### A BY-LAW RESPECTING SEWERAGE AND THE COLLECTION OF USER-CHARGES FOR THE SANITARY SEWERAGE SYSTEM IN SALISBURY

**PURPOSE:** A By-law of Salisbury, in the Province of New Brunswick, for the purpose of establishing the collection of user-charges, rates, and associated requirements for the sanitary sewerage system in Salisbury;

**WHEREAS:** Section 10(1)(j) of the *Local Governance Act*, S.N.B. 2017 c.18 and amendments thereto, municipalities are permitted to regulate utilities, facilities, infrastructure and improvements on public or private property;

**WHEREAS:** The enactment of this By-law repeals the following By-laws and its amendments:

Village of Salisbury By-law No. 34, a *By-law Respecting Sewerage Rates and Charges*.

Village of Salisbury By-law No. 45, a *By-law Relating to the Collection of User-Charges for the Sanitary Sewerage System of the Village of Salisbury*

**BE IT ENACTED** by the Council of Salisbury, under the authority of an incorporated Town by the Local Governance Act, SNB 2018, c.18 as follows:

#### 1. TITLE:

- a) This By-law shall be cited as “Collection of User-Charges for the Sanitary Sewerage System”.

#### 2. APPLICATION:

- a) This Collection of User-Charges for the Sanitary Sewerage System By-law applies to any owner of a property connected to the sanitary sewerage system owned and/or managed by the Municipality of Salisbury.
- b) This By-law only applies to the serviceable boundary within the geographic area noted in Schedule A.
- c) All charges and balances outstanding on sanitary sewage accounts, and owing to the former municipality, the “Village of Salisbury” pursuant to By-laws 34 § 34-1, 34-2, 45, and 45-1 shall remain owing to the Town of Salisbury upon the effective date of this by-law.

### **3. DEFINITIONS:**

- a) "Chief Administrative Officer" means the head of the municipal administration. The individual is the only employee who reports directly to Council "CAO";
- b) "Clerk" means the employee appointed to oversee financial and accounting procedures and serve as the municipal Clerk, pursuant to section 74(1) and 76(1) of the Local Governance Act, SNB 2018, c.18;
- c) "Council" means the Mayor and Councillors of the Town of Salisbury;
- d) "Owner" and "User" shall be deemed to have the same meaning and may be used interchangeably for the purposes of this By-law;
- e) "Sanitary Sewer" means a sewer receiving and carrying water borne wastes from residences, business buildings, institutions, and industrial establishments, and to which storm, surface, or ground waters are not intentionally admitted;
- f) "Service Connection" means any piping system that conveys sewage liquid waste from any property to a sewer;
- g) "Sewage" means the combination of water carried from residences, business buildings, institutions, commercial establishments and industrial establishments containing animal, vegetable or mineral matter in suspension or solution, together with such ground, surface, or storm water as may be present;
- h) "Sewer" means a pipe or conduit for carrying sewage and includes all sewer drains of every description vested in or under the control of the Town of Salisbury;
- i) "Sewerage" means the structures, devices, equipment, and appurtenances intended for the collection, transportation, pumping, and treatment of sewage;
- j) "Storm Sewer" or "Storm Drain" means a sewer receiving and carrying storm water and surface water runoff only;
- k) "Street" means highway, road, lane, court, crescent, or cul-de-sac;
- l) "Water Course" means any channel in which a flow of water occurs either continuously or intermittently;
- m) "Shall" is mandatory, "May" is permissive;
- n) "Water course" means any channel in which a flow of water occurs either continuously or intermittently.

### **4. COLLECTION OF USER CHARGES**

- a) The owner of a property connected to a water or sanitary sewerage system shall pay to the Town of Salisbury, through the Clerk, an annual user-charge billed on an annual basis, as established through the annual budget process.
- b) Where sanitary sewerage service runs adjacent to land upon which a building stands, the owner of the land shall pay use-charges as provided for herein,

regardless of whether the building is connected to the sewer system and/or whether the building is occupied.

## **5. USE OF PUBLIC SERVICES**

- a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface, footing tiles, or basement floor drainage to any sanitary sewer.
- b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet.
- c) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the municipality and abutting on any street or right of way in which there is now located, or may be located, a public sanitary sewer maintained by the Town of Salisbury, is hereby required at their own expense to install suitable toilet facilities therein and to connect such facilities directly with the sanitary sewer in accordance with the provisions of this By-law. The owner is required to connect to the public sanitary sewer maintained by the Town of Salisbury in accordance with the provisions of this By-law, and shall pay such sewer rates prescribed in accordance with this By-Law, regardless of whether or not the owner connects with the public sanitary sewer or not.
- d) No person shall permit a continuous stream of water to flow from a private system, except by permission of the Council.
- e) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
  - i. Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas;
  - ii. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment, process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in receiving waters of the sewage treatment plant;
  - iii. Any water or wastes having a corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
  - iv. Swimming pools:
    - a) All pools must be inspected to ensure compliance with existing By-laws;
    - b) Drainage of pools in the storm sewer are subject to the By-law;
    - c) Owners of pools that are recorded as having been constructed as authorized by an appropriate building permit will not be charged for inspection;

- d) Owners of pools that have been constructed without obtaining a building permit will be charged a fee of \$50.00 for the inspection.
- v. Solid or viscous substances in quantities or of such size capable of causing obstruction to flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rugs, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and flashings, entrails, paper dishes, cups, milk containers, sanitary napkins or tampons, hand towels, disposable diapers, etc., whether whole or ground by garbage grinders.
- f) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer without this work being inspected and approved by the Manager of Infrastructure and Public Works for the Town of Salisbury, or their designated representatives.
- g) Plans for sewage collection system for all subdivisions submitted to the Town shall be shown on tentative subdivision plans.
- h) An engineer copy of the "as built" plan of the sewer system, stamped by the engineer responsible for the plan, must be submitted to the Town, through the Manager of Public Works and Infrastructure or their designate, before the subdivision plan receives final approval.
- i) A sanitary sewer user shall install an approved backwater valve on their sewer service connection.
- j) Sewer services shall be discontinued to any property condemned by order of the Council.
- k) Discharging water from any heating or cooling unit into a sanitary or storm sewer system is prohibited.

## **6. CONNECTION TO PUBLIC SYSTEM**

- a) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the municipality for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- b) No sewer pipe shall be laid until the estimated revenue to be derived therefrom in the opinion of the municipality shall be sufficient to derived reasonable interest charged on the capital proposed to be expanded thereon and a reasonable sum for maintenance.
- c) Any repairs including but not limited to sidewalks, streets, ditches, curb, and landscaping caused by excavation for the purposes of connection with a sewer line shall be borne by the property owner. The cost of these repairs are to be determined by the Manager of Public Works and Infrastructure or their designate.

- d) An Application for Sanitary Sewer Service must be completed by the property owner prior to the issuance of a Building Permit. A Building Permit must be issued prior to the commencement of any excavation, as outlined in paragraph (c) herein,
- e) The work to install a sewer lateral to a new lot that will be connected to the Town's existing sewer main shall be undertaken by the Town, at the expense of the Owner, as agreed upon in the Application for Sanitary Sewer Service.
- f) Should any owner fail to acquire approval prior to installing a sewer lateral, the Town may, at their sole discretion, require an inspection be undertaken. The Owner shall be responsible for any fees or expenses associated with accessing the unapproved works, and any fees or expenses associated with the repair or replacement of said unapproved works.
- g) All service stations, garages, restaurants, or manufacturing plants with a connection to the public sewer shall provide a grease trap or oil separator satisfactory to the municipality.
- h) The type of pipe to be used for sanitary sewer service connection shall be of PVC plastic and the size of the pipe shall be four (4) inch minimum.
- i) Every owner of a premises shall permit the officers, employees, and agents, each time that said officers, employees, and agents, deem it necessary to come into the said premises or buildings, to check that the sanitary sewer by-laws of the municipality of Salisbury are duly respected.

## **7. RATES**

- a) The annual cost of financing, operating, and maintaining the sewerage system of the municipality shall be raised by a service charge levied annually by the Council as authorized by Section 117(4) of the *Local Governance Act*.
- b) The annual rate (per unit) for a property is to be determined by resolution of Council for the following calendar year.
- c) Sewer rates and charges levied by the municipality of Salisbury shall be payable by the owner of the land on which there is a building which is connected with a sanitary sewer available to service the building, whether the building is in use or not.
- d) Sewer rates and charges levied by the municipality of Salisbury shall be payable by the owner of the land on which there is a building which is not connected with a sanitary sewer available to service the building, whether the building is in use or not.
- e) The owner of every building shall be liable to pay all sewer rates imposed with respect to a building owned by them and in default of payment of such rates, the council may discontinue service to such building.
- f) All rates and charged remaining unpaid for sixty days after they become due and payable under this By-law bear interest at the rate of 2% per month of part of a month until paid. Unpaid accounts will be paid to the municipal

solicitor for collection and associated legal costs shall be added to the unpaid account.

- g) Rates charged in accordance with the provisions contained in Schedule "B" may be modified at the discretion of the Council.

## **8. OUTSTANDING ACCOUNTS**

- a) All user-charges or portion thereof remaining unpaid after the due date shall be considered delinquent and subject to an interest charge at the rate of 2% per month.
- b) When a user-charge, or any portion thereof, remains unpaid after the due date, the collections process is undertaken, pursuant to Town of Salisbury *Policy on Outstanding Collections on Sanitary Sewer Accounts attached hereto as Schedule "C"*.
- c) When a user-charge, or any portion thereof, remains unpaid, the Clerk/Treasurer may at any time notify the user of past due user-charge.
- d) A sanitary sewage system may be refused or disconnected at any time by the Clerk/Treasurer, without notice, for:
  - a. Non-payment of sewage rates
  - b. Non-payment of sewer rental
  - c. Non-payment of a sewer connection charge
  - d. Non-payment of any repair or maintenance related charge
  - e. Violation of any provision of this By-law
  - f. The convenience of and at the request of the owner and occupier of the premises
  - g. Outstanding judgement/lien on the property
- e) Where a sanitary sewerage system has been disconnected under sub-section 8(d), the owner of the premises shall rectify the violation to the satisfaction of the Municipality and pay a sum determined by the Clerk, as well as any costs associated with the disconnection and reconnection of the sanitary sewer supply and associated legal fees, before the sanitary sewerage is reconnected.

## **9. REPAIR & REPLACEMENT**

- a) Where the Municipality is called to clear, repair or replace a lateral sewer located on public lands, the Municipality shall be responsible for the equipment, personnel and the cost to repair or replace any installations (curbs, wires, drains, etc.), landscaping, asphalt, or any other piece of property, whether real or personal, that was required to be damaged, removed, or destroyed during the course of the repairs.
- b) Where a property owner has contracted with a plumber or contractor to clear or repair a lateral sewer to, or on, the property and it is proven that the

blockage or damage was not caused by the property owner and is on municipal property, the Manager of Infrastructure and Public Works, or designate, may, at their discretion, authorize the reimbursement to the property owner forthwith all or a portion of the invoiced cost, not to include damages.

- c) The property owner shall be responsible for all maintenance, replacement, and repair of sewer laterals located on their property.

## **10. INDEMNITY**

- a) The municipality shall not be liable for any damage or injury caused or done by reason of intermittent flow of the sewer system.
- b) The municipality will consider claims for sewer back-up or flooding only through their insurance company.

## **11. ENFORCEMENT**

A person who violates any provision of this By-law has contravened this by-law and is liable to a fine not exceeding fifteen hundred dollars ( \$0.00 - \$1,500.00) to be paid within 6 months of the date which they were given notice of the administrative penalty and/or, as stipulated in the provisions of this By-law, disconnection of sanitary sewer services.

Any person who fails to pay the administrative penalty within the time prescribed, is guilty of an offense and is liable on summary conviction to a fine not exceeding (\$140.00 - \$2,100).

## **12. EFFECTIVE DATE**

This By-law comes into effect on the date of final passing thereof.

Read a first time this \_\_\_ day of \_\_\_\_\_, 2023.

Read a second time this \_\_\_ day of \_\_\_\_\_, 2023.

Read a third time and passed by Council on this \_\_\_ day of \_\_\_\_\_, 2023.

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Mayor

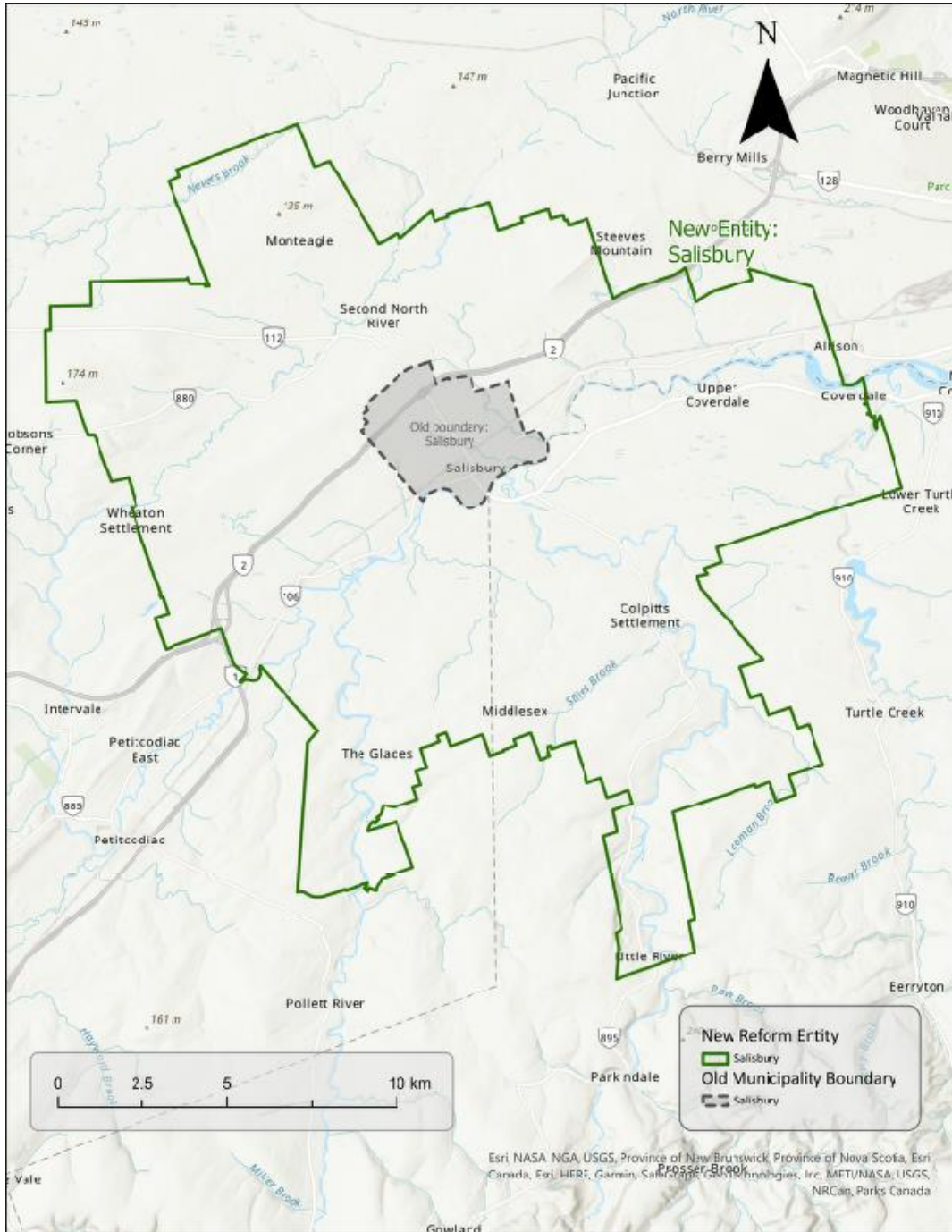
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Clerk

# SCHEDULE A

## Geographic Area for By-law No. 6

This By-law only applies to the serviceable boundary, as determined in municipal Zoning By-laws, within the area noted as “Old Boundary: Salisbury” in the following map:





## SCHEDULE B

### Schedule of Sanitary Sewer Charges

#### PRIVATE

Category	Units	Conditions
Single Residence	1	N/A
Duplex	2	N/A
Apartment Building	1	One unit per apartment
Senior Citizens Apartment	1	One unit per apartment
Mobile Home	1	
In-Law or "Granny Suites"	N/A	No charge if immediate family (pertains to mother, father, son, daughter)

#### INSTITUTIONS

Category	Units	Conditions
Churches	1	N/A
Church Parsonage	1	N/A
Church Youth Centre	1	N/A
Schools/Daycares	1	One unit per 15 students and staff
Dentist/Doctor	1	Per practitioner
Special Care/Nursing Home	1	One unit per four (4) beds or less
Service Clubs (Lions/Legion, etc.)	1	N/A

#### COMMERCIAL

Category	Units	Conditions
Banks	1	Up to ten (10) employees
Bakery	1	Up to five (5) employees
Barber Shop	1	Up to four (4) chairs
Beauty Shops/Hairdressers	1	Up to four (4) chairs
Body Shop	1	N/A
Car Wash	1	One unit per bay
Dairy Farm	1	N/A
Drug Stores	1	Up to ten (10) employees
Funeral Home	2	N/A
Laundromat	1	One unit per two (2) machines


Manufacturing Plant	1	Up to ten (10) employees
Office Buildings	1	Up to ten (10) employees
Restaurants (without license)	1	N/A
Restaurants (licensed)	2	N/A
Retail Stores	1	Up to ten (10) employees
Service Stations/Garages (basic)	1	N/A
Service Station/Garages (if washroom provided)	2	N/A
Supermarkets/General Stores/Convenience Stores	1	Up to ten (10) employees
Taverns/Pubs	3	3 units per 100 seats, plus one (1) unit for each additional 50 seats

## MISCELLANEOUS

<b>Category</b>	<b>Units</b>	<b>Conditions</b>
Home Occupation	1	Per business with washroom facilities and public access
Municipal Buildings	1	Per ten (10) employees
Post Office	1	N/A
Government Garage	3	N/A
Library	1	N/A
Homes with swimming pools	1	With drains attached to storm sewer system

## SCHEDULE C

### Policy on Outstanding Collections on Sanitary Sewer Accounts

 <b>Town of SALISBURY</b>	<b>POLICY</b>	<b>Department:</b> Administration
	<b>OUTSTANDING COLLECTIONS ON SANITARY SEWER ACCOUNTS</b>	
<b>Effective Date:</b> March 13, 2023	<b>Last Reviewed Date:</b> January 13, 2023	

## 1. PURPOSE STATEMENT

The purpose of this policy is to outline the process for collections of outstanding sanitary sewer accounts for the Town of Salisbury.

## 2. DEFINITIONS

- **“Chief Administrative Officer”** means the head of the municipal administration. The individual is the only employee who reports directly to Council “CAO”;
- **“Clerk/Treasurer”** means the employee appointed to oversee financial and accounting procedures and serve as the municipal Clerk, pursuant to section 74(1) and 76(1) of the *Local Governance Act, SNB 2018, c.18.*;
- **“Conflict of Interest”** means any actual or perceived conflict, pursuant to section 87(1) of the *Local Governance Act, SNB 2018, c.18.*;
- **“Council”** means the Mayor and Councillors of the Town of Salisbury;
- **“Owner”** and **“User”** shall be deemed to have the same meaning and may be used interchangeably for the purposes of this By-law;
- **“Proper Payment Plan”** means a payment plan for outstanding accounts, signed by the owner who commits to making no less than monthly installments on the outstanding account;
- **“Sanitary Sewer”** means a sewer receiving and carrying water borne wastes from residences, business buildings, institutions, and industrial establishments, and to which storm, surface, or ground waters are not intentionally admitted.

### **3. GENERAL POLICIES & PROCEDURES - PAYMENTS**

Pursuant to Salisbury By-law No. 6, the owner of a property connected to a water or sanitary sewerage system shall pay to the Town of Salisbury, through the Clerk/Treasurer, an annual user-charge billed on an annual basis, as established through the annual budget process. The annual bills are to be mailed to owners in January.

Pursuant to the By-law, all rates and charges remaining unpaid for sixty days after they become due and payable under the By-law will bear interest at the rate of 2% per month, or part of a month, until paid.

This Policy continues to apply for the collections process for any repeal, replacement, or amendment to the aforementioned By-law.

### **4. OVERDUE ACCOUNTS**

Every effort is made by municipal administration to work with owners to accommodate payment arrangements on outstanding sanitary sewer accounts. Unpaid accounts will be subject to interest until such a point where they are paid.

Administration has the authority to proceed with collection efforts, which can include internal collection efforts or retaining an outside agency, at the discretion of the CAO, on any overdue accounts. Any costs incurred due to collection efforts are required to be paid by the property owner.

Once accounts go three calendar years without payment, owners will receive warning that the unpaid accounts will be forwarded to the municipal solicitor for collections. Administration will make every reasonable attempt to advise owners that their accounts will be proceeding to the municipal solicitor, via registered or regular mail, beforehand.

When unpaid accounts are forwarded to the municipal solicitor, a judgement (lien) will be placed against the property for the total value of the outstanding account, including interest, plus legal fees incurred, including all associated costs for filing the judgement in Small Claims Court. Once a judgement has been served, the payment must be made in full in order to stop the judgement process.

In severe circumstances, at the discretion of the CAO, overdue accounts with owners who have not made an attempt to make payment arrangements on their outstanding account, may be subject to disconnection, pursuant to the By-law.

### **5. DISCONNECTION**

Pursuant to Section 8(c) of the By-law, a sanitary sewer system may be disconnected at any time, without notice.

It is policy of municipal administration to make every reasonable effort, in addition to previous warnings provided through the collections process, to inform owners of pending disconnection. This includes through:

- A letter sent via registered mail advising the owner of an anticipated date range for disconnection;
- Closer to the anticipated date of disconnection, a physical notice delivered to the property advising of an anticipated disconnection date.

Pursuant to section 8(d), upon disconnection, the owner is responsible for paying fees for disconnection and re-connection, in addition to associated legal fees and outstanding balances, before the sanitary system is re-connected.

## 6. REFUNDS

In the event that a customer overpays their account(s), or has a credit, any amount of \$200.00 or above shall be refunded to the customer by cheque. Any amount overpaid less than \$200.00 will be credited on the property's sanitary sewer account.

## 7. PAYMENT ARRANGEMENTS

### Overview of Payment Arrangements

The municipality allows for special payment arrangements for sanitary sewer accounts. This arrangement allows a customer to pay down their account based on a number of determined payments discussed and agreed to between the customer and municipal administration, through the Clerk's Office. The municipality works with the customer based on affordability and can setup arrangements ranging from 0-24 months.

Any payment arrangement beyond 24 months requires a review and approved among a discussion between the Clerk/Treasurer, or their designated employee, and the Chief Administrative Officer.

### Arranging Payment Plan (Arrangements)

Payment arrangement forms are available online or at the municipal office, but require a signature from the property owner in addition to details including:

- Address & PID of property;
- Monthly payment;
- Email address for notification of any changes to the account;
- Commitment of method of payment (cheque, payment in-person, payment online through Service New Brunswick, etc.).

## **Interest Accrual on Outstanding Accounts with Payment Arrangements**

Municipal Administration is permitted to stop accruing interest on outstanding accounts once a proper payment plan has been arranged and remains in good standing. When accrued interest is ceased, this does not waive interest accrued before the signing of the agreement, which remains on the account until paid in full. Regular payments, in order to be eligible for interest to no longer be accrued, must be a minimum of \$75.00/month.

With special payment arrangements, all collection efforts and notices stop unless a customer fails to comply with such arrangement. In this event, the special payment arrangement is cancelled and the customer falls into the collections and notices are restarted. In the event of this breach of contract, interest will be re-applied to the account, including interest backdated that would have been accrued should the payment plan not have been agreed upon.

## **Special Payment Arrangements – Unique Circumstances**

There may be customers who have outstanding sanitary sewer accounts for a number of years that wish to make payment arrangements on their accounts to avoid judgments or disconnection, but are unable to do so within 24 months. In the best interest of wanting to assist customers restore services and/or get up-to-date on their account, municipal administration is granted with unique authorization to implement unique individualized payment arrangements.

In these unique/extraordinary situations, in order to assist customers to get up-to-date on their accounts:

- The Clerk/Treasurer and/or delegated employee can approve adjustments on accounts to waive up to 50% of the interest charges on an outstanding account (principal charges and associated fees cannot be waived), up to \$1000 in adjustments with an agreed upon payment plan;
- The CAO can approve adjustments on accounts to waive up to 50% of the interest charges on an outstanding account (principal charges and associated fees cannot be waived), up to \$5000 in adjustments with an agreed upon payment plan.

These situations must be requested by the property owner and are determined on a case-by-case basis based on previous payment history, willingness to make payments on the agreed upon payment plan, and with consideration to what may be beneficial to the municipality in terms of revenue. If the customer has had a previous payment arrangement after January 1, 2023 that was not abided to, they are not eligible for an additional special payment arrangement.

## **8. COLLECTIONS WORKING GROUP**

The CAO, Clerk/Treasurer, and any delegated employee will meet on a regular basis to review all outstanding accounts and status of sanitary sewer collections.

The Collections Working Group will report quarterly to Council on the status of the collections process. This includes update on payments, collections, and outstanding payment plans. Although special payment arrangements are rare, they are reported specifically through the quarterly reports to Council by specifying the special arrangement, what was the amount owing at the time of the arrangement, the penalty, principal, or interest charges being written off, and the status of the account.

In any and all reporting to Council, no identifiable information on a property and/or its owner will be divulged to Council.

## **9. CONFIDENTIALITY**

Customer information will remain confidential and will be used only for the purposes of collection of outstanding amounts due to the municipality. At times, administration may be required to provide addresses and contact information to the municipal solicitor and/or contracted services for the purposes of By-law Enforcement and collections.

In no way will any employee process voids, refunds, or adjustments of any kind on their personal customer account or on accounts deemed to have an actual, or perceived, conflict of interest. Such adjustments and/or payments shall follow the proper hierarchical chain of command with the approval coming from an individual at least one level above the individual that has the conflict of interest, whether actual or perceived:

1. Administrative Assistant;
2. Assistant Clerk;
3. Clerk/Treasurer;
4. CAO;
5. Mayor

Once approved, these adjustments shall be entered into the system by someone other than the account holder, regardless of their position on the hierarchy of approval for the purposes of conflict of interest (e.g.: anyone can enter the payment insofar as it is not the individual with the actual or perceived conflict of interest).