

BY-LAW # 2013-01

BY-LAW OF THE MUNICIPALITY OF FREDERICTON JUNCTION
RELATING TO THE WATER AND SEWERAGE SYSTEMS

UNDER SECTION 11 OF THE *MUNICIPALITIES ACT*, THE COUNCIL OF THE VILLAGE OF FREDERICTON JUNCTION, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. This By-Law may be cited as the Water and Sewerage By-Law. In the By-Law:
 - (a) “council” means the Council of the Village of Fredericton Junction;
 - (b) “branch sewer” means a sewer pipe leading to a sewer main;
 - (c) “sewer main” means a main collector line of the sewer system;
 - (d) “consumer” means a person, organization or corporation using water supplied by the Village of Fredericton Junction;
 - (e) “owner” means the person or corporation in whose name a property is assessed under the Assessment Act and includes the executor, administrators and assigns of such person or corporation;
 - (f) “water” and “water supply” means the water supplied by the water system to the consumer for the purposes specified in this By-law;
 - (g) “water system” means a system of wells, tanks, reservoirs, water mains, water service pipes, fittings, motors, apparatus, water works and all other things useful for the drawing, collecting and storing of water and treating, distributing, and selling water to consumers;
 - (h) “water service pipes” means a water pipe leading from a water main;
 - (i) “sewerage system” means a system of two or more interconnected sewer mains having one or more common discharge outlets and includes necessary pumping plant, force mains, siphons and other like works and treatment works, including sewage disposal facility.

2.
 - (1) The Council shall have the administration, supervision and control of the water and sewerage systems.
 - (2) 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 sewerage systems.
 - (3) The Council may define the duties of all employees referred to in subsection (2).

3. (1) The water supply shall be furnished only for the following purposes:
 - (a) residential, commercial establishments, institutional establishments and recreational facilities;
 - (b) fire protection;
 - (c) Village purposes.(2) The Council may, subject to the foregoing limitation, furnish water for other purposes. The water supply for these purposes may be discontinued temporarily or permanently by resolution of Council.

4. (1) The owner of any building situated upon land abutting upon a street or public place wherein there is a sewer main and/or water main **shall** install in such building, connections with such sewer main and water main and such apparatus and appliance as may be required to insure the proper sanitary conditions of the building and premises.
(2) It shall be unlawful for any owner of property within the Village of Fredericton Junction who is connected or required to connect to the water system to construct or maintain any private or other water supply or to connect any building hereto.
(3) In the event of such situations where it is not feasible to make connections to the sewer main because of negative grade elevation, the owner of that building shall be required to maintain a local septic sanitary system which complies with the Department of Health regulations.

5. (1) The owner of a property serviced by water and sewer is liable for all water rates and charges and all sewerage rates and charges imposed by this by-law on that property whether it is occupied by himself or his tenants and shall pay all those rates and charges to the Village of Fredericton Junction at the times prescribed by Council.
(2) All rates and charges not paid upon due date shall be in arrears and shall be subject to interest at the rate of 2 % per month or major factor of a month until paid.
(3) When such delinquent rates and charges payable under this by-law remain unpaid for more than 90 days after they become due and payable, the Council may cause to have the water supply to that property disconnected.

(4) Where a water supply is disconnected under subsection (3) all amounts owing at the time of disconnection must be paid before reconnection will occur. An additional charge of two hundred and fifty (\$250.00) dollars may also be imposed.

6. No extension of or addition to the water or sewerage system of the Village shall be commenced without the consent of the Council.
7. (1) The owner of any premises shall not construct or replace a branch sewer nor shall the owner construct or replace a water service pipe without first making application to and receiving approval from Council.
(2) At the time of filing an application referred to in subsection (1) the owner shall deposit with the Village Clerk an amount equal to the contractor's estimated cost of making the installation or replacement applied for. The estimate provided must include the cost of all necessary repairs or replacements to any road or street surface disturbed by excavation for the connection. Such cost will be obtained by Council, and all work so done must be completed under the supervision of Council's appointed representative, and to Council's satisfaction.
(3) The amount deposited shall be credited to the cost of the work and should such cost exceed the amount of the deposit the owner shall pay to the Village of Fredericton Junction before the water is turned on, but should the deposit exceed the cost of the work, the surplus shall be refunded to the owner within a reasonable time.
(4) At the time of application for the installation of a service as referred to in subsection (1) of this section, the owner shall pay to the Village of Fredericton Junction the water and sewerage rate for the then current quarter year or a fraction thereof as might be decided upon by Council.
8. Water mains, water service pipes, sewer mains, and branch sewers shall be placed at a sufficient depth in the ground or otherwise sufficiently secured to insure that they are protected by frost and approved by the Council's appointed representative.
9. Water shall not be supplied from the water system to any property unless such system is protected from frost and approved by Council or its designate.

10. Where a water system to any property is found to have been installed in an unworkmanlike manner, or insufficiently strong to resist the pressure to which it may be subjected, or where water service pipes are not sufficiently protected from frost, or supplied with water has violated any provision of this by-law, the Council may direct that the water supply be discontinued until such private water system is properly installed and approved and the person has complied with the provisions of this by-law.
11. No owner or occupier of any premises shall permit drainage from the cellar or roof thereof to enter a branch sewer connection with a sewer main.
12. (1) A water supply may be disconnected at any time for the convenience of and at the written request of the owner or occupier of the premises.
(2) Where a water supply has been disconnected under subsection (1) the owner must pay all amounts owing as determined in subsection 17(4) before such water shall be restored. An additional charge of two hundred and fifty (\$250.00) dollars may also be imposed.
13. No person shall be entitled to damages or to a refund of any payment for stoppage or interruption of the water supply caused by accidents, frost or for the purpose of making additions or repairs to the water system or for any purpose which in the opinion of Council is necessary or desirable, or may be the result of conditions beyond the control of Council.
14. Any person authorized by Council may at any reasonable hour enter any premises serviced by water and sewer in the execution of his duties respecting maintenance or repair of the water and sewerage systems.
15. No person being an owner, tenant or occupant or inmate of any premises supplied with water by the Municipality shall:
 - (a) lend or sell the water;
 - (b) give water away or permit water to be taken or carried away;
 - (c) use or apply it to the use of any other person.

- 16 A person who violates any provision of this by-law is liable on summary conviction to a fine of not less than one hundred and forty (\$140.00) dollars and not more than the maximum fine that may be imposed for commission of any offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category "C" offence.
17. (1) The Council shall assess each property owner supplied with water and sewerage service, a yearly fee of four hundred and forty (\$440.00) dollars per family unit to be paid in quarterly amounts of One hundred and ten (\$110.00) dollars each.
- (2) The owner of a property supplied with water service only shall be assessed a fee of two hundred (\$200.00) dollars per family unit yearly to be paid in quarterly amounts of fifty (\$50.00) dollars
- (3) Public and Private Institutions, and business establishments shall be assessed such annual fee as are set from time to time by Council. Such fees shall be paid quarterly.
- (4) The Council may assess the property owner of a vacant property supplied with water and sewerage service, a fee for the "capital cost only". The "capital cost only" assessed fee is three hundred and twenty (\$320.00) dollars per family unit to be paid in quarterly amounts of eighty (\$80.00) dollars.

18. This By-law replaces By-Law 2012-07.

READ A FIRST TIME.

March 11, 2013

READ A SECOND TIME.

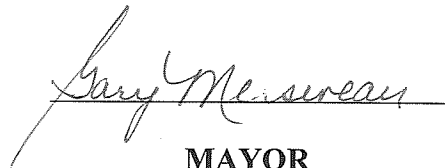
April 22, 2013

READ A THIRD TIME AND ENACTED

April 22, 2013



CLERK



MAYOR