

## **By-Law Respecting the LaHave River Wastewater Management District**

### **Title**

1. This By-law is entitled the *LaHave River Wastewater Management District By-law*.

### **Purpose**

2. The purpose of this By-law is to eliminate straight pipes on the LaHave River through the design, construction, installation, connection, use, operation and maintenance of On-Site Sewage Disposal Systems within the LaHave River Wastewater Management District in the interests of public health and safety and environmental protection.
3. This By-law shall apply to all properties and property owners within the geographic boundaries of the Wastewater Management District established herein.
4. The purpose of this By-Law is to solely identify and assist in the elimination of Straight Pipes. Nothing in this By-Law is to be construed as relieving the Nova Scotia Department of Environment from enforcement responsibilities under the *Nova Scotia Environment Act*.

### **Definitions**

5. In this by-law:
  - 5.1. "Agreement" means the written, signed Straight Pipe Replacement Agreement between the Owner and the Municipality for the Straight Pipe replacement with an On-Site Sewage Disposal System.
  - 5.2. "Annual Maintenance Charge" means the amount levied to the Owner to recover the costs of management and maintenance of an On-Site Sewage Disposal System installed pursuant to this By-Law.
  - 5.3. "Authorized Municipal Personnel" means the Designer, Installer, member of the LaHave Project Management Team, a municipal wastewater operator, or agent hired by the Municipality to provide services pursuant to this By-Law.
  - 5.4. "Certificate of Installation" means the documentation required as per the *On-Site Sewage Disposal Systems Regulations* verifying an On-Site Sewage Disposal System has been installed.
  - 5.5. "Council" means the Council of the Municipality of the District of Lunenburg.
  - 5.6. "Designer" means the Professional Engineering firm(s) or qualified person(s) as defined by the *On-Site Sewage Disposal Systems Regulations* of Nova Scotia and selected by the municipality to evaluate properties and select or design an approved system.

- 5.7. "Director of Engineering" means the Director of Engineering of the Municipality or designate.
- 5.8. "Inspection" means the tasks required for Authorized Municipal Personnel to determine if a Straight Pipe exists from the building(s) upon the property.
- 5.9. "Installer" means the Qualified Person(s) as defined by the *On-Site Sewage Disposal Systems Regulations* of Nova Scotia and selected by the municipality to complete the installation of approved systems.
- 5.10. "LaHave River Project Management Team" means the project leadership team, as appointed by the CAO, or any other employees of the Municipality as appointed from time to time, by the CAO. **(amended Feb. 20, 2019)**
- 5.11. "Municipality" means the Municipality of the District of Lunenburg or any employee or agent hired by the Municipality.
- 5.12. "Project Manager" means the person hired by the Municipality to provide project coordination services for the Straight Pipe Replacement Program pursuant to this bylaw and applicable regulations. **[amended Feb. 20, 2019]**
- 5.13. "Public Sewer" means a sewer system that is located on public property and that is owned and maintained by the municipality.
- 5.14. "On-Site Sewage Disposal System" means a system for the treatment and disposal of sewage from a building not directly connected to a Public Sewer or other approved central sewage collection and treatment system.
- 5.15. "Owner" means the following:
- 5.15.1. An owner, part owner, joint owner, tenants in common or joint tenant of the whole or any part or parcel of land or building;
  - 5.15.2. In the case of absence or incapacity of a person or persons having ownership of the parcel of land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of land or building; or,
  - 5.15.3. In the absence of proof of the contrary, the person assessed for the taxes on the parcel of land or building.
- 5.16. "Recovery Charge" means the charge levied to the Owner to recover the costs of the Work.
- 5.17. "Straight Pipe" means the transport of raw, untreated or partially settled sewage directly to a watercourse or drainage system that leads to a watercourse in place of a sewage disposal system.
- 5.18. "Straight Pipe Replacement Program" means the Work undertaken to replace all Straight Pipes with the Wastewater Management District with On-Site Sewage Disposal Systems pursuant to this By-Law.

5.19. "Wastewater Management District (WWMD)" means an area established by a municipality within which it has the power to manage all wastewater disposal systems both public and private (i.e. individual, on-site sewage disposal systems.).

5.20. "Work" means any activity related to, but not limited to, the required Inspections, assessments, surveys, design, installations, construction, property restoration, operation and maintenance for and of On-Site Sewage Disposal Systems to replace Straight Pipes within the Wastewater Management District.

### **Wastewater Management District Boundary**

6. The Municipality hereby establishes the Wastewater Management District (referred to hereinafter as the WWMD) along the shores of the LaHave River, the boundaries of which are as shown on the map in Schedule "A" hereto.

### **On-Site Sewage Disposal Systems**

7. The use of Straight Pipes as a method of disposing of sewage from a property is prohibited.

8. The identification of Straight Pipes and the design and installation of On-Site Sewage Disposal Systems shall follow the process described in *Policy MDL-73 LaHave River Straight Pipe Replacement Program*.

9. Authorized Municipal Personnel may enter private property, including entering a dwelling or structure, within the WWMD to conduct Inspections, tests, assessments for design, and installation of On-Site Sewage Disposal Systems, property restoration and any other work deemed necessary to identify and eliminate Straight Pipes.

10. Sewage treatment and disposal within the WWMD shall only be provided by an On-Site Sewage Disposal System, connection to a Public Sewer, a combination of the foregoing, or connection to a private wastewater facility, or other system that is not a Straight Pipe.

11. Determination of whether a Straight Pipe exists upon a property shall be made by the LaHave River Project Management Team as per Section 3 of *Policy MDL-73 LaHave River Straight Pipe Replacement Program*.

12. Where an existing Straight Pipe has been found within the WWMD, the Owner may apply for the Straight Pipe Replacement Program with the Municipality.

13. Where the Owner of a property with an existing Straight Pipe refuses to apply for the Straight Pipe Replacement Program, the Municipality shall inform Nova Scotia Environment.

14. A separate and independent On-Site Sewage Disposal System shall be provided for every building on each property except as approved by the LaHave River Project Management Team.

15. On-Site Sewage Disposal Systems installed pursuant to this By-Law shall comply with *On-Site Sewage Disposal Systems Regulations* of Nova Scotia, the *Municipal Sewer By-Law* and the *Shore Drive Wastewater Management District By-Law* as applicable and other applicable federal and provincial legislation.
16. No connections that permit storm water, including surface water, groundwater, roof runoff, subsurface drainage, cooling water, or potable water backwash shall be made to On-Site Sewage Disposal Systems, including sump pump connections.
17. Any Owner who has a building that is used for industrial or commercial purposes shall provide grease, oil, and grit interceptors in order to provide the proper handling of liquid wastes that may be harmful to the proper functioning of the On-Site Sewage Disposal System. All interceptors shall be installed per manufacturer's recommendations and shall be located so as to be readily and easily accessible for cleaning and inspection.
18. On completion of the installation, the Director of Engineering shall file the Certificate of Installation with the Municipality confirming the Work has been carried out and that the On-Site Sewage Disposal System is the full responsibility of the Municipality for the purposes of this By-law for a term of seven (7) years, after which full responsibility of the On-Site Sewage Disposal System is transferred to the Owner.
19. Approval is required by the LaHave River Management Team for renovations, additions or any other building construction related activities that would require modifications to the On-Site Sewage Disposal System.

### **Municipal Responsibilities**

20. The LaHave River Project Management Team shall oversee the Inspection of properties for Straight Pipes and the design and installation of On-Site Sewage Disposal Systems to replace Straight Pipes within the WWMD.
21. The optimum type of treatment system, location and layout of the On-Site Sewage Disposal System on the Owner's Property shall be determined solely by Authorized Municipal Personnel.
22. During the period of Municipal ownership, the Municipality shall undertake full responsibility, including on-going maintenance and repair, for the On-Site Sewage Disposal Systems installed pursuant to this By-Law in accordance with the *On-Site Sewage Disposal Systems Regulations* of Nova Scotia, including portions of the On-Site Sewage Disposal System located on private land, but excluding the influent sewage pipe from the building exterior to the On-Site Sewage Disposal System.
23. The LaHave River Project Management Team shall report annually to Council on the management and operations related to On-Site Sewage Disposal Systems installed pursuant to this By-Law and associated Policies within the WWMD.
24. The LaHave River Project Management Team shall oversee the management and control of the Straight Pipe Replacement Program.

## **Remedial Action**

25. While undertaking installation, Authorized Municipal Personnel may determine at its sole discretion to stop the Work and not install the On-Site Sewage Disposal System for reasons including, but not limited to structural deficiencies, hazardous material, environmental risks, or violation of regulations or codes.
26. The Authorized Municipal Personnel shall report such violations, hazards, risks or deficiencies to the appropriate regulatory authority as required by law.
27. Any necessary remedial action shall be carried out wholly at the Owner's expense.
28. Installation of the On-Site Sewage Disposal System may recommence at the discretion of the LaHave River Project Management Team when the property is approved for Work by the proper regulatory authorities.
29. Failure by the Owner to carry out necessary remedial action may result in termination of the Work and/or loss of funding.

## **Owner Responsibilities**

30. The Owner shall provide full disclosure to the Municipality in advance of the commencement of the Work of any structural or other defects or hazards at or in or around the Owner's property which may be material to the said Work and the operation of the On-Site Sewage Disposal System.
31. The Owner shall provide reasonable access to the Owner's property during normal business hours for Authorized Municipal Personnel to carry out Work.
32. The Owner shall be responsible for any and all Work required within the building, which may include electrical and plumbing work, for the installation and operation of the Approved Municipal System.
33. The Owner shall be responsible to ensure an appropriate backflow prevention device is installed on the sewer pipe leaving the building prior to the inlet of the On-Site Sewage Disposal System.
34. The Owner shall be responsible for providing and maintaining clear access to the On-Site Sewage Disposal System for Authorized Municipal Personnel for on-going maintenance, repair and component replacement of those portions of the On-Site Sewage Disposal System located on the Owner's property.
35. Failure by the Owner to provide reasonable access may result in termination of the Work and/or loss of funding and/or notification of the proper authorities.
36. Discharge of wastewater into the On-Site Sewage Disposal System with respect to contents and volume shall be subject to the requirements of individual system design as recommended by the Designer and as per the *Municipal Sewer By-Law*.

37. The Owner shall be responsible for maintaining the plumbing system inside the building served by the building service connection such that no portion of the On-Site Sewage Disposal System is compromised, damaged or disrupted in any way.
38. The Owner shall be responsible to maintain the electrical power supply and pay the electrical power consumption charges for any component of the On-Site Sewage Disposal System on the Owner's property that requires electricity to function.
39. The Owner shall not disrupt, relocate, modify, remove, damage or destroy any portion of the On-Site Sewage Disposal System, whether located on public property or the Owner's property or other private property without written permission from the Director of Engineering.
40. The Owner agrees to allow the Municipality to take full responsibility for the On-Site Sewage Disposal System for a seven (7) year period while this By-Law is in effect.
41. Once full responsibility has been transferred to the Owner, the Owner agrees to continue the proper operation and maintenance of the On-Site Sewage Disposal System as required by the individual system design and recommended by the Designer.
42. Any costs of repairs required as a result of improper use of the On-Site Sewage Disposal System shall be the responsibility of the Owner.

#### **Straight Pipe Replacement Program**

43. An Owner shall be eligible for the Straight Pipe Replacement Program, if all of the following apply:
  - 43.1. The property resides within the WWMD;
  - 43.2. A building on the subject property uses a Straight Pipe to dispose of sewage;
  - 43.3. If more than one person is an Owner of the subject property, all Owners are party to and in agreement with the installation of an On-Site Sewage Disposal System on the property and have signed the Agreement.

#### **Charges**

44. Council shall levy a one-time Recovery Charge to each Owner served by an On-Site Sewage Disposal System installed pursuant to this By-Law to recovering any and all costs related to the Work in accordance with the *Municipal Government Act*, and Policy MDL-72 *LaHave River Wastewater Management District Cost Recovery*.
45. Amounts payable to the Municipality as a one-time charge may be payable in a schedule of installments, at such frequency and rates of interest, in accordance to Policy MDL-72 *LaHave River Wastewater Management District Cost Recovery*, and upon default of payment of any installment, the balance may become entirely due and payable.

46. Council shall levy an Annual Maintenance Charge to each Owner served by an On-Site Sewage Disposal System installed pursuant to this By-Law in order to recover the amount required, or as much of the amount required as Council considers advisable to collect in any one fiscal year, to manage the operation and maintenance of the On-Site Sewage Disposal Systems in accordance with the *Municipal Government Act* and Policy MDL-72 *LaHave River Wastewater Management District Cost Recovery Policy*.
47. All charges and payments pursuant to this By-Law shall be made to the Municipality.

### **Lien**

48. A lien provided for in this By-Law shall become effective on the date stated on the Certificate of Installation confirming the Work has been carried out.
49. All charges imposed pursuant to this By-Law constitutes a first lien on the property and has the same effect as rates and taxes under the *Assessment Act* and the *Municipal Government Act*.
50. All charges pursuant to this By-Law are collectable in the same manner as rates and taxes under the *Municipal Government Act* and is collectable at the same time and by the same proceedings as taxes.
51. The lien provided for in this by-law shall remain in effect until the total recovery charge, including any accrued interest, and administrative charges have been paid in full.
52. Where the Owner opts to pay the one-time Recovery Charge in installment payments:
  - 52.1. the portion of the Recovery Charge payable annually shall be equal to the total Recovery Charge outstanding divided by the number of years remaining; and
  - 52.2. the amount outstanding on the Recovery Charge shall become due and payable in the event of default of payment.

### **Violations and Enforcement**

53. If an Owner with a Straight Pipe refuses to comply with the Straight Pipe Replacement Program or any part of this By-Law or associated policies, the proper authorities shall be notified.
54. If an On-Site Sewage Disposal System fails during the period of Municipal responsibility, and it is determined that the failure was due to improper use of the system by the Owner, the Municipality, at its sole discretion, may choose to repair the system and charge any costs incurred to the Owner, or immediately transfer the full responsibility of the system to the Owner and notify Nova Scotia Environment for compliance purposes.

55. Any person who violates any provision of this By-law is guilty of an offence punishable by a summary offence ticket or on summary conviction, by a fine as prescribed in the applicable statute.
56. The notice required to be served pursuant to this By-law may be served personally, or by mailing the person at the last address shown on the Assessment Roll, or by electronic mail or by facsimile.
57. A notice is deemed to have been served on the third day after it was sent.

### **Appeal [amended Feb. 20, 2019]**

58. A property owner with a concern regarding the replacement work being undertaken on their property may raise this concern with the Project Manager. **[amended Feb. 20, 2019]**
59. Where the property owner and Project Manager cannot resolve the matter, the Project Manager shall raise the matter with the LaHave River Project Management Team for review. The Project Management Team may confirm or modify the decision of the Project Manager, within the parameters established in the Program By-law and policies. **[amended Feb. 20, 2019]**
60. Where the matter is not resolved after review of the Project Management Team, the property owner may request an appeal to Council. The property owner must outline their concern in writing for Council's consideration. **[amended Feb. 20, 2019]**
61. Council shall review the matter and may determine to uphold the decision of the Project Management Team, or modify the decision, within the parameters of the program By-law and policies. Council decisions with respect to appeals are final. **[amended Feb. 20, 2019]**

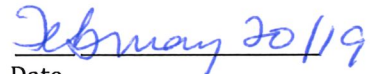
### **General**

62. Council reserves the right to amend or repeal this By-Law and associated Policies at any time at its sole discretion, including if the scenario arises that all infrastructure grant funds have been expended but not all Straight Pipes have been removed. **[amended Feb. 20, 2019]**
63. Nothing herein shall relieve any property Owner from requirements and obligations of the *Environment Act* and regulations or of existing Municipal By-Laws. **[amended Feb. 20, 2019]**

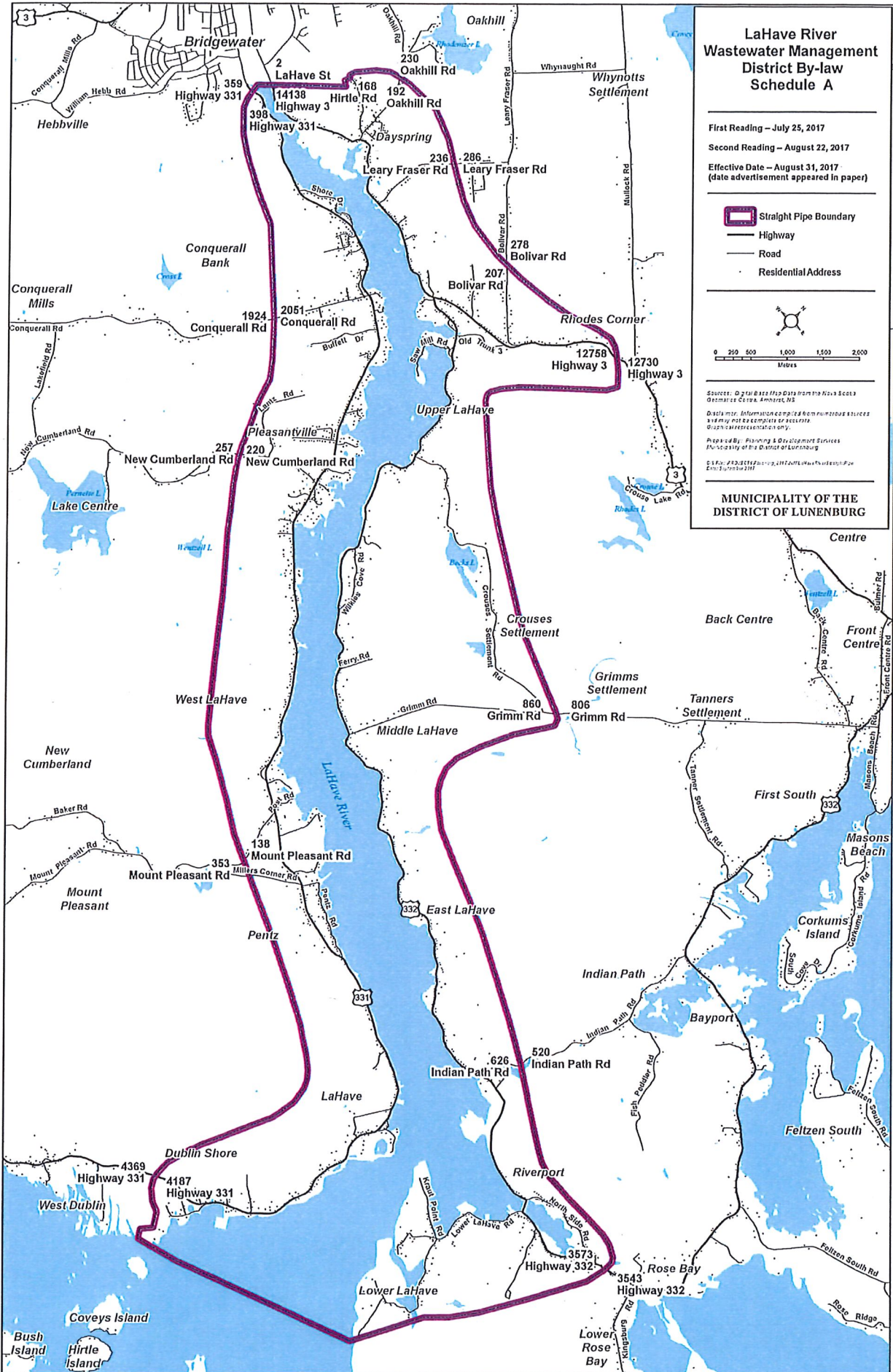
**Annotation for Official By-law Book**

Date of First Reading	July 25, 2017
Date of Advertisements of Notice of Intent to Consider	August 2 & 3, 2017
Date of Second Reading	August 22, 2017
Date of Advertisement of Passage of By-law*	August 31, 2017
Date of Mailing to Minister a Certified copy of By-law	September 1, 2017
Date of First Reading of Amending By-law	January 22, 2019
Date of Advertisements of Notice of Intent to Consider Amending By-law	January 23, 2019
Date of Second Reading of Amending By-law	February 12, 2019
Date of Advertisement of Passage of Amending By-law*	February 20, 2019
Date of Mailing to Minister a certified copy of By-law	February 21, 2019

  
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 Sherry Conrad, Municipal Clerk



  
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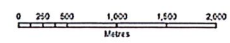
\* Effective Date of the by-law unless otherwise specified in the text of the By-law.



### LaHave River Wastewater Management District By-law Schedule A

First Reading – July 25, 2017  
 Second Reading – August 22, 2017  
 Effective Date – August 31, 2017  
 (date advertisement appeared in paper)

-  Straight Pipe Boundary
-  Highway
-  Road
-  Residential Address



Source: Digital Base Map Data from the Nova Scotia  
 Geomatics Centre, Amherst, NS  
 Disclaimer: Information compiled from numerous sources  
 and may not be complete or accurate.  
 No warranty is made by the Municipality.  
 Prepared By: Planning & Development Services  
 Municipality of the District of Lunenburg  
 Date: PROJECT Planning Services/Map Production/Map  
 Date: 2017-08-01

#### MUNICIPALITY OF THE DISTRICT OF LUNENBURG

