

BLACKS HARBOUR

BY-LAW NO. 05-101

A BY-LAW RELATING TO THE WATER AND SEWERAGE SYSTEMS

WHEREAS Blacks Harbour is a duly incorporated village under and by virtue of the *Municipalities Act*, R.S.N.B. 1973, Chapter M-22 (the AVillage@), and operates and partially owns a water system and owns and operates a sewerage system (the Asystems@) as authorized by said *Municipalities Act*; and

WHEREAS the systems are subject to agreements between the Village and Connors Bros., Limited (now Connors CL GP Limited, in its capacity as general partner of Clover Leaf Seafoods, L.P.) (AConnors@), including, without limitation, the First Water Agreement dated April 1, 1973 (the AFirst Water Agreement@), the Master Water Agreement dated May 22, 1992 (the AMaster Water Agreement@) and the Water Supply Agreement dated May 22, 1992 (the AWater Supply Agreement@) (the First Water Agreement, the Master Water Agreement and the Water Supply Agreement are hereinafter collectively called the AAgreements@); and

WHEREAS Article 10.04 of the Master Water Agreement and Article 9.01 of the Water Supply Agreement provide as follows: AThe Village hereby agrees to make any necessary additions or amendments to its by-laws as are necessary to conform with this agreement and if any conflict shall appear between by-laws of the Village and the provisions of this agreement, the provisions of this agreement shall govern rather than the provisions of such by-laws.@; and

WHEREAS it is understood that this by-law is subject to the Agreements; and

WHEREAS the Council of the Village deems it necessary to enact a by-law governing the operation of the systems;

THEREFORE, the Council of Blacks Harbour enacts as follows:

Definitions

1 In this by-law

Abranch sewer@ means a sewer pipe leading to a sewer main;

Aclerk@ means the Village Clerk of Blacks Harbour;

AConnors@ means Connors Bros., Limited, its successors and assigns;

AConnors Water System@ means the Connors Water System as defined in the Master Water Agreement and includes any additions thereto;

ACommittee@ means the Public Works Committee of Council or such other committee of Council designated from time to time to carry out the responsibilities set forth in section 2;

ACouncil@ means the Village Council of Blacks Harbour;

Adomestic sewer@ means a sewer which is intended to carry domestic, commercial or industrial sewerage;

Aforeman@ means foreman of water and sanitary services whose duties include care generally for the water system and sewerage system, shall supervise all installation and approve all fixtures, shall care for all hydrants and supervise the repair of all breaks in the systems;

Aowner@ means the person in whose name a property is assessed under the *Assessment Act* and includes the executors, administrators and assigns of such person, but, however, it shall not include the Connors Water System;

Aprivate water system@ means a water system owned by a person other than the Village or Connors;

Aproperty connection@ means that portion of the water system and sewerage system from the owner=s property line to the building concerned with respect to the sewerage system and to and including the water meter should there be one or to the building in respect of the water system;

Aservice connection@ means that portion of the water system or sewerage system from the main pipes on the street to the owner=s property line;

Asewerage 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;

Astandard methods@ means the analytical and examination procedures set forth in the current edition *Standard Methods for the Examination of Water and Wastewater* published jointly by the American Public Health Association (APHA), the American Water Works Association (AWWA), and the Water Environment Federation (WEF), or any publication by or under the authority of the Canadian Standards Association (CSA) deemed appropriate by the foreman;

Avillage@ means Blacks Harbour and sometimes referred to as The Village of Blacks Harbour;

Avillage water system@ means the village water system as defined in the Master Water Agreement and includes any additions thereto;

Awater service pipe@ means a water pipe leading from a water main;

Awater system@ means all facilities for storing, pumping, treating and distributing water for domestic, commercial, industrial and fire protective purposes;

Awater@ and Awater supply@ means the water supplied by the water system to consumers for the purposes herein specified.

Administration

2 The committee shall have the administration, supervision and control of the water and sewerage systems, subject to the approval of the Council, but this by-law shall not apply to Connors Water System.

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 sewerage systems.

4 Subject to the direction of the committee the foreman shall have general supervision of the construction and maintenance of the water system and sewerage system.

5 The foreman shall cause to be made:

(a) plans of the water system showing the storage supplies and lands of the Village surrounding the same, the water mains showing the size thereof in each street, all junctions and manholes, valves and hydrants, and all other information which the committee deems necessary and shall from time to time cause such additions and alterations to be made in the said plan as may be required to show all extensions and developments of the water system; and

(b) plans of all sewers under his supervision showing the location, depth and material of the same, and the size, shape, classification and construction thereof, and all additions made thereto from time to time.

6 The foreman shall have charge of all employees engaged in any work connected with the village water system and sewerage system and shall file such returns and reports with the committee as it may require from time to time.

7 The foreman, subject to the approval of the committee, may by regulation define the duties of all employees engaged in work connected with the water system and sewerage system.

8 No extension of or addition to the water or sewerage system of the Village shall be commenced without the consent of the Council.

9 The water supply shall be furnished for the following purposes:

- (a) domestic, commercial, industrial and fire protection purposes within the Village, and
- (b) Village purposes.

10 Water mains and water service pipes shall be placed at a sufficient depth in the ground or otherwise sufficiently secured to insure that they are protected from frost under ordinary conditions.

11 Water shall not be supplied from the water system to any private water system unless such system is protected from frost and approved by the foreman or his nominee.

12 Where a private water system 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 where a person supplied with water has violated any provision of this by-law the committee may direct that the water supply be discontinued until such private water system is properly installed and approved and the person supplied has complied with the provisions of this by-law.

13(1) No connections shall be made to the Village Water System for the purpose of taking water therefrom except under the direct and personal supervision of the foreman or other person duly authorized by the Council in that behalf.

13(2) Subject to subsection 23(3), the owner shall be responsible for installation and maintenance of the water service pipe.

14(1) All service connections shall be of such materials and shall conform to such grades, details and codes as the foreman shall prescribe in his approval.

14(2) No service connection shall be covered in until it has been inspected and approved by the foreman.

14(3) If the owner serviced by water or sewerage services or his agents covers in any service connection before it has been inspected and an approval therefore issued, the foreman may open

the same for the purpose of inspection and the cost of so doing shall be recoverable from the owner.

15(1) The Village may

(a) compel the owner of a building standing on land by which the sewer or water main runs to connect up with the said sewer or water main after notice has been given by the foreman, or

(b) make a charge to the owner of such land where the connection is not made with the sewer or water main.

15(2) In determining the charge to be made in subsection (1), the Village shall make its assessment as near as possible to what the user-charge would be if the connection had been made.

16 The Village may charge against fire protection service a portion of the water cost as may be determined by Council.

17 The Village shall not be required to lay any service pipe or pipes at any season of the year which, in the opinion of the foreman, is not suitable for the performance of the work.

18 Water service pipes for the supply of water for domestic purposes shall not exceed three-quarters inch internal diameter except where such water service pipe is required to supply more than six separate faucets or taps or where the premises to be supplied with water is sufficiently elevated to cause a reduction in the pressure of water to render such three-quarters inch internal diameter water service pipe insufficient for domestic purposes, in which case a water service pipe not exceeding one inch in diameter may be installed.

19(1) While the fire department is extinguishing any fire within the Village no person shall use a sprinkler or hose or allow water to run from any private water system on his premises or under his control except for domestic purposes or for the purpose of extinguishing or preventing fire.

19(2) When an alarm of fire is given and during the continuance of any fire, water shall be shut off in every private water system connected with the water system, except for domestic or fire protection purposes.

20 The owner of any premises shall before receiving a water supply cause to be installed in his private water system a shutoff.

21(1) The Clerk may issue a permit to operate a fountain and therein specify the number of hours not exceeding six per day for a period of months not exceeding four in any year during which the fountain may run.

21(2) The supply pipe to an out-of-door fountain shall be provided with a stop cock which shall be accessible to and under the control of the foreman.

22 No plumber shall install an additional fixture to a private water system unless the owner of such system holds a water permit authorizing the installation of such additional fixtures.

23(1) The owner shall be responsible for installation and maintenance of a branch sewer.

23(2) A branch sewer shall be constructed only of such material and of such dimensions and specifications and laid at such grade and in such manner as the foreman shall direct.

23(3) Notwithstanding subsection 13(2) and 23(1), if a water service pipe or branch sewer crosses a property or properties other than an owner between the main and the owner's property line, the owner shall be responsible for installation and maintenance of the water service pipe and the branch sewer from the property line to the building only.

24 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.

25 No person shall make a connection of a branch sewer servicing a manufacturing establishment with a sewer main until the owner has fulfilled any special requirement prescribed by the foreman.

26(1) The owner of premises shall, before commencing to receive a water supply at such premises and before extending a private water system or adding fixtures thereto in such premises or renewing a water service pipe, file with the Clerk an application in Form A for a water permit,

unless otherwise approved by agreement.

26(2) At the time of making application for a water permit the owner shall deposit with the Clerk an amount as set by Council by resolution from time to time.

26(3) Upon receipt of such application duly signed by the owner and the prescribed fee the Clerk may issue a water permit authorizing the supply of water.

26(4) If the permit is for a renewal only no fee shall be payable except for that provided in subsection 28(2) hereof.

27(1) The owner of any premises may file with the Clerk an application in Form B for the construction or replacing of a branch sewer and the connection thereof with a sewer main.

27(2) At the time of filing a sewer application the owner shall deposit with the Clerk a fee the same as for water connections.

28(1) A water supply may be discontinued by order of the committee at any time for

- (a) non-payment of a water rate;
- (b) non-payment of a sewer rate;
- (c) non-payment of water or sewer connection charge;
- (d) violation of any provision of this by-law;
- (e) the convenience of and at the request of the owner and occupier of the premises, or
- (f) the condition of the owner=s property, pipes, plumbing, fixtures or other related equipment, in the opinion of the committee, is not satisfactory.

28(2) Where a water supply has been discontinued under subsection 28(1) the owner shall pay a charge of thirty-five dollars (\$35.00) and any expenditure incurred by the Village for such discontinuance, before such water supply shall be restored.

29 No person shall own and/or operate any sewerage system or water system except in accordance with this by-law and no connection shall be made to the sewerage or water system of the Village, or any work used in connection therewith, without a permit.

30 The committee may order that the water supply to any premises be metered by a water meter of the type approved by the committee.

31 No person shall use water for air conditioning purposes at a rate in excess of one-tenth gallon per minute per ton of air conditioning.

32 An owner is entitled, on payment of the sum of Ten Dollars (\$10.00), to a meter test and if same indicates a three percent variation said sum shall be refunded and the current and next preceding water bill shall be adjusted accordingly.

33 The owner shall be liable for water wastage from his property connection.

34(1) Subject to any restrictions set out in the officer=s appointment, an officer or employee appointed by the Village to administer this by-law may enter, at all reasonable times, upon any property within the Village for the purpose of making any inspection that is necessary for the administration or enforcement of this by-law, including, but not restricting the foregoing generality, for the purpose of reading any water meter or of installing, inspecting and replacing any water meter, branch sewer or plumbing.

34(2) An officer or employee referred to in subsection (1) shall have all power and authority of, and this section may be enforced pursuant to, the provisions of section 102.1 of the *Municipalities Act*.

Sanitary and Combined Sewer Requirements

35 No owner shall cause or permit the deposit or discharge of sewerage into a sanitary or combined sewer

(a) which causes or may cause or results or may result in any one or more of the following conditions

(i) a health or safety hazard to a sewage works person authorized to operate, maintain, repair or otherwise work on a sewage works;

(ii) an obstruction or restriction to the flow of the sanitary sewer or combined sewer;

(iii) an offensive odour to emanate from the sanitary sewer, combined sewer or sewage works;

(iv) damage to the sanitary or combined sewer works infrastructure;

(v) interference with the operation and maintenance at a sewage works; or

(b) with any one or more of the following characteristics:

(i) a PH less than 6.0 or greater than 10.5;

(ii) consisting of two or more separate liquid layers; or

(iii) having a temperature greater than sixty degrees Celsius; or

(c) containing one or more of the following:

(i) biomedical waste;

(ii) combustible liquid;

(iii) fuel;

(iv) hauled sewage; or

(v) ignitable waste; or

(d) containing a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Table 1 of this by-law entitled ALimits for Sanitary and Combined Sewers, unless otherwise approved by agreement. @

36(1) Discharge of cooling water, storm water and uncontaminated water is prohibited to a sanitary sewer except where:

(a) discharges have been permitted by the Village prior to the enactment of this by-law or where discharges have been regularly made since the enactment date of this by-law and are identified to the Village by the owner by a date to be established by the foreman and the Village has provided exemption in writing to the owner, or

(b) the owner has entered into an agreement with the Village regarding the discharge prior to any discharge and the owner is complying with the agreement.

36(2) Discharge of water which originates from a source separate from the potable water supplied by the Village is prohibited to a combined sewer or sanitary sewer except where the following is met:

(a) the amount of water, location of the water source, and address of the owner where the water is being used, is provided to the Village, and

(b) the owner has entered into an agreement with the Village regarding the discharge prior to any discharge and the owner is complying with the agreement.

Prohibition of Dilution

37 The addition of water or any other material from any source which is added to sewage for the purposes of dilution to achieve compliance with section 35 is prohibited.

Private Sewer System

38(1) Subject to subsection 38(2) no person shall construct or maintain in the Village, or within any area under the jurisdiction of the Village, any privy, privy vault, septic tank, cesspool, or any other facility intended or used for the disposal of sewerage.

38(2) The Village may grant a permit for the installation and maintenance of a private sewer system to any applicant whose property is, in the opinion of the foreman, not so located as to be readily accessible to the sewer system, provided the owner has met all requirements of applicable laws, government regulations, and orders of the Province of New Brunswick.

38(3) Upon completion of the building lateral connection and approval thereof, the owner of a property formerly served by septic tank, cesspool, privy or private sewerage disposal system on the property shall cause such septic tank, cesspool, privy or private sewerage disposal system to be abandoned and filled with suitable material.

Storm Sewer Requirements

39(1) Discharge to a storm sewer is prohibited unless all of the following are met:

- (a) the discharge is cooling water or storm water or uncontaminated water;
- (b) the discharge does not interfere with the proper operation of a storm sewer;
- (c) the discharge does not obstruct or restrict a storm sewer or the flow therein;
- (d) the discharge does not result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
- (e) the discharge does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- (f) the discharge does not contravene, or result in the contravention of, the requirements of any Federal or Provincial regulation;
- (g) the discharge does not have one or more of the following characteristics:
 - (i) two or more separate layers;
 - (ii) a PH less than 6.5 or greater than 8.5;
- (h) the discharge does not contain one or more of the following:
 - (i) biomedical waste;
 - (ii) combustible liquids;
 - (iii) fuels;
 - (iv) hauled sewage;
 - (v) hauled waste;
 - (vi) ignitable waste;
 - (vii) PCB waste;
 - (viii) pesticides;
 - (ix) reactive waste;
 - (x) waste radioactive prescribed substances;
 - (xi) waste disposal site leachate; and

(i) the discharge does not contain contaminants from raw materials, intermediate or final products or wastewater from an industrial operation.

39(2) An owner may be required, upon receipt of notice from the Village, to complete one or more of the following activities as stated in the notice addressing storm water from the owner=s site:

- (a) a study on stormwater quality and/or quantity;
- (b) modification and/or construction of stormwater facilities;
- (c) development and implementation of a best management plan;
- (d) adoption and implementation of pollution prevention techniques and measures;
- (e) development and adoption of an environmental management system, or
- (f) any other requirement as specified by the Village.

Reporting Requirements

40(1) Prior to any discharge of sewage, storm water, cooling water, uncontaminated water or any combination thereof, to the sewage system, an industrial owner is required to complete and return to the Village the following reports:

- (a) the AShort Version of the Owner Information Report@; and
- (b) the AComplete Owner Information Report@ under the following conditions:
 - (i) where in the sole opinion of the Village, the owner may have a significant impact on the sewage works and the Village has provided notice to complete the report, or
 - (ii) the owner has or may require an extra strength surcharge agreement with the Village.

40(2) The reports referred to in subsection 40(1) shall be in the form approved from time to time by the Committee and made available to the public at the Village office.

41 If an owner was discharging to the sewer system prior to the enactment of this by-law, the owner shall comply with the requirements of section 40 on or before 12 months of enactment.

42 The requirements in section 41 do not apply to the owner, if in the sole opinion of the Village, adequate information has been provided to and accepted by the Village, prior to the date of enactment of this by-law.

43 The owner shall provide written notification to the Village of any change to the information required under sections 40, 41, or 42 within ten (10) days of the change.

Owner Self-Monitoring

44 The owner shall complete any monitoring or sampling of any discharge to a sewer system, as required by the Village, unless otherwise approved by agreement, and provide the results to the Village in accordance with written notification from the Village and the Village reserves the right to take its own samples.

45 The obligations set out in and arising out of section 44 shall be completed at the expense of the owner unless the Village has agreed in writing to share the expense with the owner.

Extra-Strength Surcharge Agreement

46 The Village may authorize an extra strength surcharge agreement with an owner to permit exceedances for any one or more of the following parameters set out in Table 1, referred to in section 35(d), for the following where sewage is discharged to a sanitary sewer or combined sewer,

- (a) Biochemical Oxygen Demand,
- (b) Phenolics (4AAP),
- (c) Solvent Extractables - animal or vegetable in origin,
- (d) Kjeldahl Nitrogen, Total,
- (e) Phosphorus Total,
- (f) Suspended Solids, Total, or
- (g) Salinity.

47 The agreement may contain terms and conditions including terms and conditions related to the calculation and payment for the discharge to the sanitary sewer or combined sewer.

48 During the term of the agreement, the owner is exempt from meeting the limits set out in the Table referred to in section 35(d) for the parameter(s) included in the agreement, if all conditions stipulated by the Village in the agreement are met.

49 Where an owner has entered into an extra strength surcharge agreement, any change in the information required in sections 40, 41 and 42 must be submitted to the Village prior to the change to allow sufficient assessment of the impact of the change on the agreement.

50 The Village may terminate the extra-strength surcharge agreement if a compliance agreement cannot be reached with the owner at any time and the termination will be effective within 30 days of the delivery of a written notice to the owner's site or head office.

Compliance Agreement

51 The Village may authorize a compliance agreement with an owner to eliminate a non-compliance situation, where the owner is out of compliance with one or more conditions in sections 35 and 36.

52 The agreement shall have the following characteristics:

- (a) be for a fixed term;
- (b) contain reporting requirements to the Village on significant stages in the progress towards compliance as determined by the Village; and
- (c) list the condition or conditions identified in section 51 and include a maximum interim limit for the parameter or parameters covered by the agreement.

53 During the term of the compliance agreement, the owner shall be exempt from those parts of sections 35 and 36 specified in the compliance agreement provided that all of the conditions of the agreement are met by the owner.

54 The agreement provided for in section 51 may be terminated without notice, by the Village at any time, where in the opinion of the Village, there is an immediate threat or danger to any person, animal, property, vegetation, or in any hazard or other adverse impact to a sanitary sewer, a combined sewer or a sewage system and the owner is required to immediately comply with sections 35 and 36 of this by-law.

Sampling and Analytical Requirements

55 Analysis and examination procedures shall be conducted by Astandard methods@ as defined in this by-law.

56 Non-compliance with this by-law may be established through the analysis of a single grab sample done in accordance with section 55.

57 In the case of sampling a discharge to a combined sewer, any storm water or uncontaminated water which is discharged at the time of sampling, is not to be considered a component of the sample of determining compliance with sections 35(b) or 35(d) of this by-law.

58 An owner is responsible for any requirements set out in this by-law in respect of discharges or deposits of sewage, storm water or uncontaminated water into that part of a sewage works over which the owner has or could have control.

Maintenance Access Points

59 The Village will require in written notification, the installation of maintenance access points or the upgrading of existing maintenance access points, for each connection to the sewage works at the site of an owner, for the purpose of monitoring or sampling discharges as set out in section 58.

60 Maintenance access points required under section 59 shall be located on the property of the owner unless the Village permits an alternative location that is;

- (a) accessible at all times by the Village;
- (b) constructed in a manner which meets the standards of the Village;
- (c) maintained to ensure access and structural integrity; and
- (d) maintained and constructed at the expense of the owner.

Spills

61 In the event of a spill to the sewage system, the owner shall immediately notify the Village, provide any information with respect to the spill which the Village advises it requires and complete any work the Village requires to mitigate the spill.

62 The owner shall provide a report on the spill to the Village, within 48 hours after the spill, containing the following information:

- (a) location where the spill occurred,
- (b) name and phone number of the person who reported the spill and the location where he/she can be contacted,
- (c) date and time of spill,
- (d) material spilled,
- (e) characteristics of material spilled,
- (f) volume of material spilled,
- (g) duration of spill event,
- (h) work completed and/or still in progress in the mitigation of the spill, and
- (i) preventative actions being taken to ensure the situation does not occur again.

Provisions

63 Upon enactment of this by-law, any user who is not in full compliance with the new regulations will be given one (1) year to be in complete compliance.

Emergencies

64(1) Consumers shall be given notice of the restrictions referred to in subsection 64(2) hereof either:

- (a) by ordinary mail addressed to all householders,
- (b) by means of a public address system,
- (c) by publication in a newspaper with general circulation in the Village, or
- (d) by broadcast over a local radio station.

64(2) The Council by resolution may place such restrictions on the use of water from the village water system as it deems necessary.

64(3) A person who violates or fails to comply with restrictions placed by the Council pursuant to subsection 64(2) commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category D offence.

64(4) The water service of a consumer found violating any of the restrictions placed pursuant to subsection 64(2) may, by order of the Council, be suspended for such period as deemed appropriate by the Council.

Nuisance

65 The Village shall not be liable in an action in nuisance, where the damage is the result of

- (a) water overflowing from a sewer, drain, ditch or watercourse due to excessive snow, ice, mud or rain, or
- (b) the construction, operation or maintenance of a system or facility for the collection, conveyance, treatment or disposal of wastewater, storm water or both.

Cross Connection Control

66(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 water, waste water, or any other substance to enter the Village water system or the water system within the premises by backflow of the water or by any other means, unless otherwise approved by agreement.

66(2) If a condition is found to exist which in the opinion of Council is contrary to subsection 66(1) hereof, the Council may,

- (a) shut off the service or services, and/or
- (b) give notice to the customer to correct the fault or install the required backflow prevention devices within a specified period and then shut off the service if not corrected in the time given.

66(3) Where, in the opinion of the Council, water service to a customer shall be provided, the service connection can be opened only on the provision that the customer has installed at or near the entrance to the building on the customer=s water service pipe a backflow prevention device approved by Council in addition to the backflow prevention devices installed on the customer=s water piping at the source(s) of potential contamination.

66(4) No bypass or other device capable of reducing the effectiveness of a backflow preventer shall be installed in a water system.

66(5) Where a cross connection control device or backflow prevention device is required by Council, it shall be purchased and installed at the owner=s expense, and the installer shall be the holder of a valid provincial plumbing contractors license.

66(6) A person who fails to install an approved backflow prevention device as required by Council is guilty of an offence.

66(7) Should a test show that a backflow prevention device is not in good working condition, the Village shall give notice to the owner to make repairs or replace the device within a specified period, and if the owner fails to comply with such notice the Village shall shut off the service or services.

Offences and Penalties

67(1) No person being an owner, tenant, occupant or inmate of any house, building or other place within the Village supplied with water by the Village shall

- (a) lend or sell the water;
- (b) give water away or permit it to be taken or carried;
- (c) use or apply it to the use or benefit of any other person; or
- (d) wrongfully neglect or improperly waste the water.

67(2) No person shall

- (a) remove, alter, damage or otherwise interfere with, a water meter;
- (b) use unmetered Village water unless such is the manner it is customarily supplied to the person or unless authorized by the committee in special circumstances; or
- (c) unless authorized by the committee, or being a member or under the direction of the fire department, draw water from, open, close, cut, break or in any way injure or interfere with any fire hydrant, water or sewer pipe or main, or other property of the Village.

68(1) A person who violates or fails to comply with a provision of this by-law commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category D offence.

68(2) A violation as provided for in subsection 68(1) is a continuing offence and a separate information may be laid for each day such offence continues and the penalty provided for in subsection 68(1) shall be imposed for each conviction resulting from the laying of each information.

68(3) The conviction of a person under this section does not operate as a bar to further prosecution for the continued neglect or failure on his or her part to comply with the provisions of this by-law.

69(1) By-law No. 05-97, a By-law Relating to the Water and Sewerage Systems, passed by Village Council on June 29, 2005 is hereby repealed.

69(2) The repeal of By-law No. 05-97 shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or 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.

IN WITNESS WHEREOF Blacks Harbour has caused its corporate seal to be hereunto affixed to this by-law the _____ day of _____, A.D. 2005.

Mayor

Village Clerk

First Reading:

Second Reading:

Third Reading:

FORM A

(Section 26(1))

APPLICATION FOR A WATER PERMIT

No. _____

To Blacks Harbour

The undersigned owner requests a water permit to renew/install a water service pipe between the water main in _____ Street and a point on the property of the owner at _____ Street (or as the case may be pursuant to subsection 23(3)).

The undersigned agrees to pay to the Village Clerk the prescribed fee for a permit and acknowledges that the cost of installing such water service pipe, including the labour and materials and any other expenses necessarily incurred in its proper construction, shall be paid by the owner. The water service pipe shall be constructed only of such material and of such dimensions and specifications and laid at such grade and in such manner as the Village foreman of Water and Sanitary Services, or other person duly authorized by the Village in that behalf, may direct.

The undersigned further agrees to conform to the by-laws relating to the sewerage system and to the orders and regulations that are now or which may hereafter be adopted in relation thereto and to the by-laws and codes respecting plumbing.

The undersigned further agrees that no claim for damages which may be occasioned to such premises, or any property thereon, in any manner by the construction, use or existence of such water service pipe or connection, shall be made against the Village and undertakes to indemnify and save harmless the Village for any such claims.

DATED this _____ day of _____, _____.

Witness

Applicant

The By-law Relating to Water and Sewerage Systems provides:

Subject to any restrictions set out in the officer=s appointment, an officer or employee appointed by the Village to administer this by-law may enter, at all reasonable times, upon any property within the Village for the purpose of making any inspection that is necessary for the administration or enforcement of this by-law, including, but not restricting the foregoing generality, for the purpose of reading any water meter or of installing, inspecting and replacing any water meter, branch sewer or plumbing.

FORM B

(Section 27(1))

APPLICATION FOR A BRANCH SEWER

To: Blacks Harbour

The undersigned owner hereby makes application for the construction/ replacing of a branch sewer from the building at _____ Street to the sewer main on such street (or as the case may be pursuant to subsection 23(3)), and that the occupants thereof may be allowed to use such sewer main for the purpose of disposing of sewerage from the said building.

The undersigned agrees to pay to the Village Clerk the prescribed fee for a permit and acknowledges that the cost of installing such branch sewer, including the labour and materials and any other expenses necessarily incurred in its proper construction, shall be paid by the owner. The branch sewer shall be constructed only of such material and of such dimensions and specifications and laid at such grade and in such manner as the Village foreman of Water and Sanitary Services, or other person duly authorized by the Village in that behalf, may direct.

The undersigned further agrees to conform to the by-laws relating to the sewerage system and to the orders and regulations that are now or which may hereafter be adopted in relation thereto and to the by-laws and codes respecting plumbing.

The undersigned further agrees that no claim for damages which may be occasioned to such premises, or any property thereon, in any manner by the construction, use or existence of such branch sewer or connection, shall be made against the Village and undertakes to indemnify and save harmless the Village for any such claims, and the undersigned further agrees that no cellar drain, roof drain, or weep tile shall be connected to the branch sewer.

DATED this _____ day of _____, _____.

Witness

Applicant

The By-law Relating to Water and Sewerage Systems provides:

Subject to any restrictions set out in the officer=s appointment, an officer or employee appointed by the Village to administer this by-law may enter, at all reasonable times, upon any property within the Village for the purpose of making any inspection that is necessary for the administration or enforcement of this by-law, including, but not restricting the foregoing generality, for the purpose of reading any water meter or of installing, inspecting and replacing any water meter, branch sewer or plumbing.

TABLE I
(Section 35(d))

LIMITS FOR SANITARY AND COMBINED SEWERS

ATG	PARAMETER	LIMIT (MG/L)	
1a	Biochemical Oxygen Demand	300	
2	Cyanide, Total	2	
4a	Kjeldahl Nitrogen, Total	100	
6	Phosphorus, Total	10	
8	Suspended Solids, Total	350	
9	Cadmium, Total	0.7	
	Chromium, Total	5	
	Cobalt, Total	5	
	Copper, Total	3	
	Lead, Total	2	
	Molybdenum, Total	5	
	Nickel, Total	3	
	Silver, Total	5	
	Zinc, Total	3	
	10	Antimony, Total	5
		Arsenic, Total	1
Selenium, Total		5	
12	Mercury, Total	0.05	
14	Phenolics (4AAPO)	1.0	
16	Chloroform	0.04	
	1,4 - Dichlorobenzene	0.47	
	Methylene chloride	0.21	
	1,1,2,2, - Tetrachloroethane	0.04	

	Tetrachloroethylene	0.05
	Trichloroethylene	0.07
17	Benzene	0.01
17	Ethylbenzene	0.16
	Toluene	0.27
	o-Xylene	0.52
	Solvent Extractables - mineral or synthetic in origin	15
25	Solvent Extractables - animal or vegetable in origin	150
30	Fluoride	10
	Salinity - 20 ppt	