

BY-LAW 318 (CONSOLIDATED WITH AMENDMENTS)

**A BY-LAW ESTABLISHING WATER AND SANITARY
SEWAGE SERVICES AND RATES IN THE TOWN OF OROMOCTO**

Incorporating By-law Nos.:

318 (April 20, 2000)
318-A (January 16, 2003)
318-B (April 17, 2003)
318-C (May 19, 2005)
318-D (January 19, 2006)
318-E (January 18, 2007)
318-F (July 19, 2007)
318-G (January 17, 2008)
318-H (July 17, 2008)
318-I (July 21, 2011)
318-J (January 17, 2013)
318-K (June 19, 2014)
318-L (February 19, 2015)
318-L (December 13, 2018)

The Council of the Town of Oromocto, under the authority vested in it by Section 189 of the **Municipalities Act**, enacts as follows:

DEFINITIONS

1. In this By-Law:
 - a. “Consumer” means any person using the water and/or the sanitary sewage system supplied by the Town;
 - b. “Owner” means the person in whose name a property is assessed under the Provincial Assessment Act and includes the executors, administrators and assigns of such a person;
 - c. “Private Water System” means the owner’s lateral pipe from the Town water mains to his property and the associated piping and accessories therein;
 - d. “Private Sanitary System” means the owner’s lateral pipe from the Town sewer mains to his property and the associated piping and accessories therein;
 - e. “Sanitary Sewage System” means the collection and treatment system for Sanitary Sewage;
 - f. “Service Lateral” is an extension of either a water or a sanitary sewer pipeline from the Town mains to a private system;
 - g. “Town” means the Town of Oromocto;
 - h. “Water System” includes all the buildings, machinery, filtration plant, cribs, wells, basins, distributing pipes, hydrants, and water works and apparatus now or hereafter in use and appertaining to the water pumping and filtration plant in the Town; and
 - i. “Water” and “Water Supply” means the water supplied by the water works to consumers.

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**CONSTRUCTION STANDARDS CONNECTING TO
TO PRIVATE SYSTEMS**

2. The Town may, by resolution of Council, or by By-Law, establish conditions precedent for the use and maintenance of water and/or sewage system(s).
3. A private water and/or sewage system will not be interconnected to Town mains unless such systems have been installed in a workmanlike manner, protected from frost and approved by the Public Works Superintendent.
4. Water and sewer mains and service laterals shall be placed at a minimum depth of 170 cm (five feet six inches) measured from the top of finished grade to the top of the barrel of the pipe in the ground or otherwise sufficiently to ensure that they are protected from frost, to the satisfaction of the Public Works Superintendent.
5. No excavation shall be made in any street right-of-way without the approval of the Public Works Superintendent for:
 - a. The purpose of connecting a private water system by way of a service lateral with a Town water main or for taking water therefrom, or
 - b. The purpose of connecting private sewage system discharge with a Town sewer main for the disposal of same.
6. Where a private system is found not to have been installed in a workmanlike manner or insufficiently strong to resist the pressure to which it may be subjected, or where lateral service pipes are not sufficiently protected from frost, or where a person supplied with services through a service lateral has violated any provisions of this By-Law relating to the taking or using of services, the Town may direct that the services supplied to such private systems be discontinued until the private system is properly installed and the person supplied with service has complied with the provisions of this By-Law.
7. The owner of any newly constructed property receiving Town water or sanitary sewage services shall install, at his sole cost, the following:
 - a. For water services:
 1. A water service lateral not less than 25.4 mm (one inch) in inside diameter;
 2. A shut-off valve, on the water main side of the water meter;
 3. A backflow preventer, of a type purchased from the Town;
 4. A hot water heater expansion tank; and
 5. A water meter, as provided by the Town.

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- b. For sanitary sewage services:
 - 1. A check valve of a type and construction as approved and specified by the New Brunswick plumbing code.
 - 2. A gravity service lateral not less than 100 mm (4 inches) in inside diameter.

SERVICE DISCONTINUANCE

- 8. Town water and/or sanitary sewage services may be discontinued by the Town at any time for:
 - a. Non-payment of water rates and/or sanitary sewage rates; or
 - b. Non-payment of water connection charge and/or sanitary sewer connection charge; or
 - c. The convenience of and at the request of the owner or the occupier of the premises; or
 - d. Refusal to allow entry of the Public Works Superintendent or any person delegated by him at any reasonable hour to enter any premises in the execution of his duties in respect of the maintenance and repair of the Town=s water system and/or the sanitary sewage system and for the purpose of examining and reading water meters; or
 - e. When at the discretion of the Town an emergency exists.
- 9. When the Town is unable to obtain a meter reading for billing purposes after exercising due diligence in the usual practice of meter reading, a bill for that service shall be estimated in accordance with the best data available, subject, however, to the provision that in no circumstances will the estimated reading be used for more that two consecutive billing periods. If an estimated bill is rendered for two consecutive billing periods, the utility shall notify the consumer by registered mail, that arrangements must be made for the utility to obtain a reading and failing such arrangement, the utility may suspend service until such arrangements are made. When such meter reading has been obtained, the previous estimated bill or bills shall be adjusted accordingly.
- 10. When either of the water or sanitary sewer laterals becomes obstructed, the Town shall not be obliged to take any measure to remove the obstruction and water and sanitary sewage services are supplied upon that condition.
- 11. No person shall be entitled to damages or to a refund of any payment for a stoppage or interruption of water supply or sanitary sewage services occasioned by accident, frost or for the purpose of making additions or repair to the water works or sewage system or to any service pipe or for any purpose which in the opinion of the Public Works Superintendent is necessary or desirable.

FEES AND PAYMENT FOR SERVICES

- 12. **General** – Water and Sanitary Sewage charges shall be established by a resolution of Council and be recorded at Schedule “A” to this by-law. All charges

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shall become due and payable 60 days after the issuance of the quarterly invoice. All such charges that remain unpaid after they become due and payable shall bear interest at the rate of two percent (2%) per month or part of a month until paid. (By-law No. 318-L/Enacted February 19, 2015)

13. **Arrears** - All quarterly water and sewage invoices outstanding in part or whole as of the date of the next quarterly water and sewage invoice produced for a property will result in termination of water supply to that property without notice to the tenant and/or property owner.
 - a. **Payment of Arrears** - Fees incurred through the provision of water and sewage services to a property are assigned against and remain attached to that property and the responsibility of the owner until paid in full to the Town. (By-law No. 318-J/Enacted January 17, 2013)
14. **Seniors** - Senior citizens, age 65 or over, who provide proof issued by the Government of Canada of receiving, or eligibility to receive, an allowance under the Guaranteed Income Supplement, shall be entitled to a credit in the amount of 30% of actual costs per year.
15. **Flat Fee** - Notwithstanding anything herein contained the Town Council may, by resolution, or by By-Law, set a flat fee to be charged in lieu of the water rates and/or sewage rates.
16. **Reconnection** - A charge of \$100.00 (one hundred dollars), payable to the Town, will be levied for the reconnection of service(s) discontinued at paragraph 8, excepting sub paragraph (e). (By-law No. 318-J/Enacted January 17, 2013)
17. **Due Dates** - Water and/or sewage charges shall be payable each 3 months, on the first of February, the first day of May, the first day of August and the first day of November of each year.
18. **Meter Testing** - Any owner may request his meter be tested as follows:
 - a. By depositing with the Treasurer a fee of \$50.00 in partial payment of the test.
 - b. Where the test indicates the meter is over-registering by more than 4% the fee paid shall be refunded, the bill for service rendered to such person during that calendar year shall be adjusted accordingly and the cost of testing will be borne by the Town.

PENALTY

19. Every person who violates any provision of this By-Law other than non-payment of accounts is guilty of an offence and is subject to the fines and penalty detailed in subsections 20, 21 and 22 below.
20. Every person charged with an offence under this By-Law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of \$50.00 (Fifty Dollars) to the Town of Oromocto as follows:
 - a. In person at the Cash Payments Counter, Town Hall, Oromocto, 137 MacDonald Avenue, Oromocto NB in cash or by cheque or money order payable to the Town of Oromocto, or
 - b. By mail to: Town of Oromocto, 137 MacDonald Avenue, Oromocto NB E2V 1A6, Attention Cash Payments Counter by cheque or money order

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only, payable to the Town of Oromocto,

and such payment shall be deemed payment in full.

21. If the voluntary payment set out in section 20 has not been received on or before the date, a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of \$75 (seventy-five dollars) as follows:
- a. In person at the Burton Court House, 23 Route 102 Highway, Burton, NB, by cash or certified cheque or money order payable to the Minister of Finance; or
 - b. By mail to: Burton Court House, PO Box 94, Oromocto, NB, E2V 2G4, "Attention: Provincial Court" or by certified cheque or money order only, payable to the "Minister of Finance", and such payment shall be deemed payment in full.
22. If the voluntary payments set out in subsections 20 and 21 above have not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than \$100 (one hundred dollars) and not more than the maximum fine that may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category C offence.
23. By-Law 215 and any amendments thereafter, is hereby repealed.

READ FOR THE FIRST TIME: 17 February
2000

READ FOR THE SECOND TIME: 16 March
2000

**READ FOR THE THIRD TIME
AND ENACTED:** 20 April 2000

(Sgd) A Wayne Carnell
A Wayne Carnell
ADMINISTRATOR/CLERK

(Sgd) Fay L Tidd
Fay L Tidd
MAYOR

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SCHEDULE "A"

(Enacted by Council Resolution December 13, 2018)

1. **METERED PROPERTIES**

a. **Water**

- 1) Quarterly water rates for imperial water meters - \$7.50 per 1000 gallons
- 2) Quarterly water rates for metric water meters - \$1.65 per cubic metre

b. **Sewage**

- 1) Quarterly sewage rates for imperial water meters - \$7.50 per 1000 gallons
- 2) Quarterly sewage rates for metric water meters - \$1.65 per cubic metre

2. **UNMETERED PROPERTIES**

a. **Water and Sewage**

For a property the water supply of which is not metered \$87.90 quarterly for water and \$83.11 quarterly for sewage.

b. **Sewage Only**

For a property in receipt of sewage services only, \$87.90 quarterly.

3. **TEMPORARY DISCONNECTION**

Properties where the owner requests a temporary disconnect from Town water and sewer system will be charged \$50.00 for the disconnection and an additional \$50.00 for the reconnect.