

**CHAPTER 9B -  
BYLAW RELATING TO SEWERS AND SEWAGE  
IN THE TOWN OF MIDDLETON**

Council: Jan 6, 1969 Minister: Feb 19, 1969

Amended by Council: March 6, 2000

Amended by Council: May 6, 2002

1. In this bylaw, unless the context specifically indicates otherwise:
  - a) "Building Service Connection" means any piping system that conveys a sewage or liquid waste from any property to a public sewer;
  - b) "Council" means the Town Council of the Town of Middleton;
  - c) "Engineer" means the Engineer appointed by the Town of Middleton;
  - d) "Garbage" means solid waste from the preparation of cooking and dispensing of food, and from the handling, storage or sale of produce;
  - e) "Owner" includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building, and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession or other person having the care or control of any land or building in case of the absence or disability of the person having title thereto;
  - f) "Public Sewer" means a sewer owned by the Town;
  - g) "Sanitary Sewer" means a sewer receiving and carrying waterborne wastes from residences, business buildings, institutions and industrial establishments, and to which storm, surface or ground waters are not intentionally admitted;
  - h) "Sewage" means the combination of water carried wastes 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;
  - i) "Sewerage" means the structures, devices, equipment and appurtenances intended for the collection, transportation, pumping and treatments of sewage;
  - j) "Street" means highway;
  - k) "Storm Sewer" or "Storm Drain" means a sewer receiving and carrying storm water and surface runoff water only;
  - l) "Town" means the Town of Middleton;
  - m) "Town Clerk and Treasurer" means the Town Clerk and Treasurer of the Town.
  - n) "On Site Sewage Disposal System" includes a septic tank with disposal field, a private holding tank, and all other private sewage disposal systems which are not directly connected to the public sewer system, and includes portable commercial toilet systems owned/rented or leased for use.

- o) "Septic Tank Cleaner" shall mean a person or firm engaged in the business of emptying and disposing of the contents of septic tanks, holding tanks, privies, commercial toilets or other private on site sewage disposal systems.
  - p) "Sludge" shall mean concentrated solids generated by public or private sewage treatment plant operations.
2. For the purpose of this Bylaw, the sewer district of the Town of Middleton shall be all that area of land included within the Town boundaries of the Town of Middleton.
  3. The Town Council may, from time to time, by resolution, order and direct that sewer lines and drains be laid and constructed on such streets and in such other places as Council may determine.
  4. (1) Where a public sewer has been or is to be constructed in a street, the Council may give a notice in writing to any owner of property abutting on the street requiring him within a time specified therein to connect his building with the public sewer by a building service connection or to make any repairs, reconstruction or replacement of it; when a storm sewer is first constructed in a street and is of sufficient depth to service basement drains Council shall, where basement drains are tied into the sanitary sewer, order the property owner to connect their basement drains into the storm sewer. (Amended July 5, 1982.)
    - (2) if
      - (a) any building service connection is not laid and built and connected with the public sewer;
      - (b) any other work in connection with the building service connection is not done, to the satisfaction of the Engineer, the owner of the property served or to be served by the building service connection shall be notified in writing to that effect, specifying in what particulars the work is unsatisfactory and if the owner fails to commence the work within seven days from the receipt of the notice and complete same within thirty days from the receipt of the notice, the Engineer may perform the necessary work.
  5. (1) That part of every service connection on private property and up to the street line or boundary line of a sewer right-of-way shall be constructed and maintained at the expense of the owner, subject to the supervision of the Engineer and shall be of such size and at such level and descent and with such mode of piercing or opening into the sewer main and generally in such manner and of such materials as the Engineer directs.
    - (2) No such building service connection shall be covered until it has been inspected and approved by the Engineer.
    - (3) The cost of constructing the portion of the building service connection from the public sewer boundary right-of-way or street line to the sewer main shall, when first installed, be paid by the Town. Maintenance and future replacement shall be the responsibility and expense of the property owner.
    - (4) Every owner shall install and maintain, at his expense, in good repair, in each connection, a suitable back-water valve to safeguard against possible flooding from the sewerage system when first constructing building service connector or when renewing same (Amended May 3, 1993.)
  6. (a) Every owner of land which fronts on any street within the Town of Middleton, whether there is a dwelling on said land or not, shall (upon notice being given by the Town) whenever a storm sewer or sanitary sewer line is first laid and constructed on said

street by the Town, and upon notice being given under Section 13 of this Bylaw, pay to the Town of Middleton a sewer frontage tax, as determined by Section 6(B) of this Bylaw, for each public sewer for each and every lineal foot of his property fronting on said street in accordance with Section 9 of this Bylaw.

The frontage tax shall be determined as set out in the Bylaw and shall be collectible in the same manner as real property tax.

(b) Upon receipt of a petition signed by residents of a street owning more than 50% of property fronting on the street, the Town may install a public sewer and a frontage charge shall be applied in accordance with provisions of this Bylaw, at a rate of 60% or net construction costs to a maximum amount of \$10.00 per foot. (Amended August 4, 1981.)

7. A corner lot shall be taxed only on that street on which it has the longest frontage, unless the frontage of the other street exceeds 65 feet, in which case, if sewers are laid down and constructed on both streets, the excess over 65 feet shall be taxed in addition to the frontage on the longer street.
8. The owner of a property situated at or near the upper end or termination of a sewer shall pay the same rate as if the sewer were to pass in front of such property for its entire length, provided however, that in no case shall any such owner be taxed for a greater length of frontage than 65 feet beyond the termination of the sewer measured along the side line of the streets from a point directly opposite the end of the sewer.
9. The owner of properties lying on both sides of a street, land, court or thoroughfare through which a new sewer passes, shall pay the sewer frontage tax mentioned on Paragraph 6 hereof.
10. (a) Where a sewer frontage tax has not been previously paid for sanitary sewer and storm sewer, and the property is not liable for assessment of sanitary sewer and storm sewer frontage tax, an entrance fee shall be levied for each of the sewers on connection to the specific sewer, as set out in subsection 10(C) following.  
  
(b) The connection charge shall be applicable, whether the connection(s) are at the initiative of the property owner or ordered by the Council. The connection charge shall become a lien on the whole of the property, fronting on the street in the same manner and with the same effect, and shall be collectible in the same manner as rates and taxes under the Assessment Act and at the option of the Clerk at the same time, and by the same proceedings as are the rates and taxes.  
  
(c) The connection charge for a separate connection to either the sanitary sewer or the storm sewer shall be \$200. If both connections are made at the same time, the total connection charge for both shall be \$300. If the frontage charge has been levied for one of the two mains, then the connection charge, when both connections are made at the same time, shall be \$200.  
  
If a second connection for the same sewer main is required, there shall be no entrance fee charged; however, the property owner shall be liable for total costs of the installation, including restoration of street right-of-way to its former condition. (Amended April 4, 1989.)
11. Where the Council is of the opinion that a lot of real property fronting on a public sewer cannot be properly serviced by such sewer, the Council may by resolution revoke any sewer frontage tax.

(a) If, at some later date, it is determined that the lot of real property fronting on a public sewer could be then properly serviced by such sewer, sewer frontage rates shall then be assessed in the same manner and with the same option as other property is assessed for sewer frontage rates. (Amended September 10, 1969.)

12. (1) When a public sewer or any portion of a public sewer has been completed, the Engineer shall:

(a) Make a plan of the street or portion thereof in which such sewer is built, showing the frontage of every property on such street or portion thereof, and the name of the owners of each property, and

(b) Make a list of the owners of such properties with the frontage of each property and the amount due with respect to each property.

(2) When the plan and list have been prepared, the Engineer shall file one copy of the plan and the list in the Town Office.

13. The Town Clerk and Treasurer shall notify the owner of the number of feet of frontage rated or allotted to him and the amount payable by the owner in respect thereof.

14. The Town Clerk and Treasurer shall keep a separate account of all monies due for the construction of sewers and the account shall contain

- a) the amount due with respect to each property;
- b) the names of the owners of properties liable for a special sewer tax and the name of the sewer with respect to which each liability arose;
- c) the amount paid with respect to each property.

15. The sewer frontage tax shall form a lien and charge upon the land, in respect of which it is payable and shall take precedence over any presently existing or future mortgage, judgment or other encumbrances, whether registered or unregistered, against the said land and the owner thereof.

16. The sewer frontage tax shall, at the option of the owner of the land, be paid in one of the following ways, that is to say

- a) in one sum, or
- b) in twenty yearly installments of one twentieth each, with interest on the unpaid portion at the rate of 15%. (Amended August 4, 1981.)

17. The owner of any land liable for sewer frontage tax shall, within thirty days after being notified of the amount thereof, elect whether he will pay such amount in one lump sum or in 20 annual payments, as provided by the next preceding paragraph.

18. In the event of the neglect or refusal of any owner to elect, as in the next preceding paragraph required, such sewer frontage tax shall be considered as payable in twenty annual installments of one-twentieth each, with interest on the unpaid portion at the rate of 15%. (Amended July 19, 1983.)

19. Sewer frontage tax shall bear interest from the date when the sewer in respect of which it is charged has been laid ready for connection, which date shall be determined by Engineer.

20. Property owners paying sewer frontage tax in installments, shall pay said installments with interest on or before the 15<sup>th</sup> day of June of each year.

21. The owner of any land liable for sewer frontage tax may at any time pay the full amount thereof, less unaccrued interest, to the Town Clerk and Treasurer, notwithstanding that such owner may have elected to pay the same in installments.
22. Sewer frontage tax and interest thereon, if remaining unpaid when due, may be sued for and collected in the name of the Town in the same manner as the ordinary rates and taxes payable to the Town may be sued for and collected, or at the option of the Council, the property may be put up for tax sale for non-payment of sewer frontage rates, in the same manner as real property is put up for tax sale for non-payment of taxes. (Amended September 10, 1969.)
23. In the event that any property liable for sewer frontage tax be sold for non-payment of property taxes, the Town Clerk and Treasurer may deduct from any surplus proceeds of such sale the full amount for which such property is then liable for sewer frontage tax, although the whole may not have been payable.
24. No person shall injure, break, or remove any portion of the public sewer system or its appurtenances.
25. No person shall permit any open gutter, cesspool, privy, vault, cellar, storm water, surface water, ground water, roof run-off, underground drain or exhaust pipe from any machine or engine to be connected with any public sanitary sewer.
26. No person shall discharge, release, suffer or cause to be discharged into any sanitary sewer, combined sewer, public or private connections to any sanitary or combined sewer any of the following:
  - a) any unshredded garbage, offal, dead animals, bones, vegetable matter, or
  - b) any hydrogen sulphide, mercaptans, carbon disulphide, other reduced sulphur compounds, amines and ammonia, or
  - c) gasoline, benzene, naphtha or fuel oil or waste water containing any of these in any quantity, or
  - d) waste water or uncontaminated water having a temperature in excess of 60° celsius, or
  - e) ashes, cinders, sand, potters clay, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic or wood, or
  - f) waste water having a pH less than 5.5 or greater than 9.5 or having any other corrosive or scale-forming properties capable of causing damage or hazards to the waste water facilities or personnel of the waste water facilities.
27. No person shall throw or deposit, or cause to be thrown or deposited, in any sewer opening or receptacle connected with the sewer system any animal, vegetable or mineral fat, oil, grease or lubricant whether the same is liquid, solid, or a mixture of both liquid and solid.
28. Any person shall be permitted to dispose of properly shredded garbage or vegetable parings which are the wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce which garbage and vegetable parings must be shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sewers, with no particles, greater than one-half inch in any dimension.
29. Every person who discharges or deposits or causes or permits the discharge or deposit of any matter in any sewer that in nature or quantity is not in the ordinary course of events, shall forthwith notify the Town Engineer.
30. (1) For any of the discharges in Section 29 for which the person is required to forthwith notify the Engineer, the notification shall include the following information:

- a) name of the company and the address of location of spill;
  - b) name of person reporting the spill and telephone number where that person can be reached;
  - c) time of the spill;
  - d) type and volume of material discharged and any associated hazards; and
  - e) corrective actions being taken to control the spill.
- (2) Within five days following a spill a person shall submit to the Engineer a detailed written report describing the cause of the spill and the action taken or to be taken to prevent a recurrence.
31. (1) Whenever the Town Engineer considers it necessary, any person who is the owner of land which is used for industrial or commercial purposes and which is connected to a public sewer may be required to provide grease, oil, and sand interceptors in order to provide for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand or other harmful ingredients.
- (2) All interceptors shall be a type and capacity approved by the Town Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.
- (3) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.
32. The Town Engineer shall have the power to stop and prevent from discharging into the sewer systems any private sewer or drain through which substances are discharged which are likely to injure the sewers or obstruct the flow of the sewage, or through which substances are discharged in contravention of this Bylaw.
33. No persons shall permit any pipe carrying sewage or surface water to discharge into any open trench.
34. No person shall discharge or cause to be discharged or permit to be discharged any contents of any on site sewage disposal system into any public sewer of the Town of Middleton except under terms and conditions set out in this bylaw.
35. No septic tank cleaner or owner shall deposit, or cause to be deposited, in the sewage waste treatment facility any septic waste or material unless he/she is the holder of a current and valid license from all appropriate authorities and, in any case, no material that:
- a) originates at any source other than domestic sources;
  - b) is inflammable or explosive;
  - c) contains synthetic oils, greases, or hydrocarbons;
  - d) has a quantity of matter capable of obstructing the flow in or interfering with the proper operation of any part of the sewage waste treatment facility;
  - e) has a corrosive property or properties that could be hazardous to structures, equipment, or personnel;
  - f) contains fish or animal offal or pathological or medical wastes;
  - g) contains herbicides, pesticides, xenobiotics, polychlorinated biphenols or radioactive materials that are not approved for disposal in a sanitary sewer by the Atomic Energy Control Board of Canada;

- h) contains substances for which special treatment or disposal practices are required by any applicable statutes or regulations of the Government of Canada or of the Province of Nova Scotia, or other authority having jurisdiction.
36. (1) Every septic tank cleaner or other user of the sewage waste treatment facility shall pay a charge for the operation of the facility.
- (2) The charge referred to in 36(1) above shall be apportioned and payable by each user of the facility at a rate per one thousand imperial gallons of septic waste or portion thereof delivered to the sewage waste treatment facility, as shall be determined by Town Policy from time to time. Such charge shall be calculated and billed monthly.
- (3) A septic tank cleaner or other user of the septic waste treatment facility, who is more than 20 days in arrears of payment to the Municipality of the operating charge may be denied access to the facility by order of the Municipal Engineer.
- (4) Arrears of payment of operating charges shall carry interest at the current interest rated.
37. No person shall discharge or cause to be discharged or permit to be discharged any sludge from any sewage treatment system into any Town of Middleton public sewer or any holding tank arranged or provided for use by a septic tank cleaner.
38. Any person who contravenes any section of this bylaw is liable on conviction to a penalty of not less than \$100 and not more than \$10,000 and in default of payment to imprisonment for a term of not more than one year.