



## By-Law No. 2023-07

### A BY-LAW RESPECTING WATER AND SEWERAGE AND THE COLLECTION OF USER CHARGES FOR THE WATER AND SANITARY SEWERAGE SYSTEM IN THE VILLAGE OF DOAKTOWN

**PURPOSE:** A By-Law of the Village of Doaktown, in the Province of New Brunswick, for the purpose of establishing the user-charges, rates, and associated requirements for the water and sanitary sewerage system in the Village of Doaktown;

**WHEREAS:** Section 10(1) (j) of the Local Governance Act, S.N.B. 2017 c.18 and amendments thereto, municipalities are permitted to regulate utilities, facilities, infrastructure and improvements on public or private property;

**WHEREAS:** The enactment of this By-law repeals the following By-laws and its amendments:

The Village of Doaktown By-Law No. 87-1, Relating to the Collection of User-Charges for the Sanitary Sewerage System of the Village of Doaktown

The Village of Doaktown By-Law No. 87-2, Relating to the Collection of User-Charges for the Water System of the Village of Doaktown

BE IT ENACTED by the Council of the Village of Doaktown, under the authority incorporated Village by the Local Governance Act, SNB, 2018, c.18 as follows:

#### 1. TITLE:

- a) This By-Law shall be cited as "Collection of User-Charges for the Water and Sanitary Sewerage System".

#### 2. APPLICATION:

- a) This Collection of User Charges for the Water and Sanitary Sewerage By-law applies to any owner of a property connected to the water and sanitary sewerage system owned and/or managed by the Municipality of Doaktown.
- b) This By-law only applies to the serviceable boundary within the geographic area noted in Schedule "A".
- c) All charges and balances outstanding on the water and sanitary sewerage accounts, and owing to the former municipality, "Village of Doaktown" pursuant to By-laws 87-1 and 87-2 shall remaining owing to the Village of Doaktown upon the effective date of this by-law.

#### 3. DEFINITIONS

- a) "Chief Administrative Officer" means the head of the municipal administration. The individual is the only employee who reports directly to Council "CAO",
- b) "Clerk" means the employee appointed to oversee financial and accounting procedures and serve as the municipal Clerk, pursuant to section 74(1) and 76(1) of the Local Governance Act, SNB 2018, c.18;
- c) "Council" means the Mayor and Councillors of the Village of Doaktown;
- d) "Owner" and "User" shall be deemed to have the same meaning and may be used interchangeably for the purposes of this By-law;
- e) "Sanitary Sewer" means a sewer receiving and carrying water borne wastes from residences, business buildings, institutions, and industrial establishments, and to which storm, surface, or ground waters are not intentionally admitted;
- f) "Service Connection" means any piping system that conveys sewage liquid waste from any property to a sewer;

- g) "Sewage" means the combination of water carried 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;
- h) "Sewer" means a pipe or conduit for carrying sewage and includes all sewer drains of every description vested in or under the Village of Doaktown;
- i) "Sewerage" means the structures, devices, equipment, and appurtenances intended for the collection, transportation, pumping, and treatment of sewage;
- j) "Storm Sewer" or "Storm Drain" means a sewer receiving and carrying storm water and surface water runoff only;
- k) "Street" means highway, road, lane, court, crescent, or cul-de-sac;
- l) "Water Course" means any channel in which a flow of water occurs either continuously or intermittently;
- m) "Shall" is mandatory, "May" is permissive;
- n) "Water System" includes a system of wells, tanks, reservoirs, dams, watercourses, lakes, streams, rivers, buildings, machinery, filtration plants, water mains, water services pipes, fittings and all other things useful for the drawing, collecting and storing of water, distributing and selling of water to consumers;
- o) "Water Supply" means the water supplied by the water system to Consumers for the purposes specified in this By-law;
- p) "User Unit" shall be the basis for establishing a user service charge for each service connection to the water system with one user per unit equating one household;
- q) "User" means the owner of a building being serviced by the water system or having access to the water system.

#### 4. COLLECTION OF USER CHARGES

- a) The owner of a property connected to a water and sanitary sewerage system shall pay to the Village of Doaktown, through the Clerk, a semi-annual user charge billed on a semi-annual basis, as established through the annual budget process.
- b) Where water and sanitary sewerage service runs adjacent to land upon which a building stands, the owner of the land shall pay use-charges as provided for herein, regardless of whether the building is connected to the water and sewer system and/or whether the building is occupied.

#### 5. USE OF PUBLIC SERVICES

- a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface, footing tiles, or basement floor drainage to any sanitary sewer.
- b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet.
- c) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the municipality and abutting on any street or right of way in which there is now located, or may be located, a public water and public sanitary sewer maintained by the Village of Doaktown, is hereby required at their own expense to install suitable toilet facilities therein and at their own expense, connect such facilities directly with the water and sanitary sewer in accordance with the provisions of this By-law. The owner is required to connect to the public water and sanitary sewer maintained by the Village of Doaktown in accordance with the provision of this By-law,

and shall pay such water and sewer rates prescribed in accordance with this By-Law, regardless of whether or not the owner connects with the public water and sanitary sewer.

- d) No person shall permit a continuous stream of water to flow from a private system, except by permission of the Council.
- e) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer;
  - i. Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas;
  - ii. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity. Either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in receiving waters of the sewage treatment plant;
  - iii. Any water or wastes having corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - iv. Solid or viscous substances in quantities or of such size capable of causing obstruction to flow in sewers, or other interference with the proper operation of the sewage works. Such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, cooking oil/grease, wood, underground garbage, whole blood, paunch, manure, hair and flashings, entrails, paper dishes, cups, milk containers, sanitary napkins or tampons, hand towels, disposable diapers, etc., whether whole or ground by garbage grinders.
- f) No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer without this work being inspected and approved by the Manager of Infrastructure and Public Works for the Village of Doaktown, or their designated representatives.
- g) Plans for sewage collection system for all subdivisions submitted to the Village of Doaktown shall be shown on tentative subdivision plans.
- h) An engineer copy of the “as built” plan of the sewer system, stamped by the engineer responsible for the plan, must be submitted to the Village of Doaktown, through the Manager of Public Works and Infrastructure or their designate, before the subdivision plan receives final approval.
- i) A sanitary sewer user shall install an approved backwater valve on their sewer service connection.
- j) Sewer services shall be discontinued to any property condemned by order of the Council

## **6. CONNECTION TO PUBLIC SYSTEM**

- a) All costs and expenses pertaining to the installation and connection of the building water and sewer shall be borne by the owner. The owner shall indemnify the Municipality for any loss or damage that may directly or indirectly be occasioned by the installation of the building water and sewer.

No water and sewer pipe shall be laid until the estimated revenue to be derived therefrom in the opinion of the Municipality shall be sufficient to derive reasonable.

- b) Interest charged on the capital proposed to be expanded thereon and a reasonable sum for maintenance.
- c) Any repairs including but not limited to sidewalks, streets, ditches, curb and landscaping caused by excavation for the purposes of connection with a water and sewer line shall be borne by the property owner. The cost of these repairs are to be determined by the Manager of Public Works and Infrastructure or their designate.
- d) An Application for Water and Sanitary Sewer Service must be completed by the property owner prior to the issuance of a Building Permit. A Building Permit must be issued prior to the commencement of any excavation, as outlined in paragraph (c) herein.
- e) The work to install a sewer and water lateral to a new lot that will be connected to the Village of Doaktown's existing water and sewer main shall be undertaken by the Village of Doaktown, at the expense of the Owner, as agreed upon in Application for Water and Sanitary Sewer Service.
- f) Should any owner fail to acquire approval prior to installing water and sewer lateral, the Village of Doaktown may, at their sole discretion, require an inspection be undertaken. The Owner shall be responsible for any fees or expenses associated with accessing the unapproved works, and any fees or expenses associated with the repair of said unapproved works.
- g) All service stations, garages, restaurants, or manufacturing plants with a connection to the public water and sewer shall provide a grease trap or oil separator satisfactory to the Municipality.
- h) The type of pipe to be used for sanitary sewer service connection shall be PVC plastic and the size of the pipe be four (4) inch minimum.
- i) The type of pipe used for the sanitary water connection shall be of a minimum of ¾ inch municiplex pipe.
- j) Every owner of a premises shall permit the officers, employees, and agents each time that said officers, employees, and agents, deem it necessary to come into the said premises or buildings, to check the water and sanitary sewer by-laws of the municipality of the Village of Doaktown are duly respected.

## **7. RATES**

- a) The annual cost of financing, operating, and maintaining the water and sewerage systems of the municipality shall be raised by a service charge levied semi-annually by the Council as authorized by Section 117(4) of the Local Governance Act.
- b) The semi-annual rate (per unit) for a property is to be determined by resolution of Council for the following calendar year.
- c) Water and sewer rates and charges levied by the municipality of the Village of Doaktown shall be payable by the owner of the land on which there is a building which is connected with a water and sanitary sewer available to service the building, whether the building is connected or not.
- d) The owner of every building shall be liable to pay all sewer rates imposed with respect to a building owned by them and in default of payment of such rates, the council may discontinue service to such building.
- e) All rates and charges remaining unpaid for six months after they become due and payable under this By-law bear interest at the rate of 2% per month or part of a month until paid. Unpaid accounts will be paid to the municipal solicitor for collection and associated legal costs shall be added to the unpaid account.
- f) Rates charged in accordance with the provisions contained in Schedule "B" may be modified at the discretion of the Council.

**8. OUTSTANDING ACCOUNTS**

- a) All user-charges or portion thereof remaining unpaid after the due date shall be considered delinquent and subject to an interest charge at the rate of 2% per month.
- b) When a user-charge, or any portion thereof, remains unpaid after the due date, the collections process is undertaken, pursuant to the Village of Doaktown Policy on Outstanding Collections on Water and Sanitary Sewer Accounts attached hereto as Schedule "C".
- c) When a user-charge, or any portion thereof, remains unpaid, the Clerk/Treasurer/Assistant Clerk may at any time notify the user of past due user-charge.
- d) A water and sanitary sewage system may be refused or disconnected at any time by the Clerk/Treasurer/Assistant Clerk, without notice, for:
  - a. Non-payment of water and sewage rates
  - b. Non-payment of water and sewer rentals
  - c. Non-payment of water and sewer collection charge
  - d. Non-payment of any repair or maintenance related charge
  - e. Violation of any provision of this By-law
  - f. The convenience of and at the request of the owner and occupier of the premises.
  - g. Outstanding judgement/lien on the property
- e) Where a water and sanitary Sewerage System has been disconnected under the Sub-section 8(d), the owner of the premises shall rectify the violation to the satisfaction of the Municipality and pay a sum determined by the Clerk/Assistant Clerk, as well as any costs associated with the disconnection and reconnection of the water and sanitary sewer supply and associated legal fees, before the water and sanitary sewerage is reconnected.

**9. REPAIR & REPLACEMENT**

- a) Where the Municipality is called to clear, repair or replace a lateral sewer located on public lands, owned by the Municipality, the Municipality shall be responsible for the equipment, personnel and the cost to repair or replace any installations (curbs, wires, drains, etc.), landscaping, asphalt, or any other piece of property, whether real or personal, that was required to be damaged, removed, or destroyed during the course of the repairs.
- b) Where the property owner has contracted with a plumber or contractor to clear or repair a later sewer to, or on, the property and it is proven that the blockage or damage was not caused by the property owner and is on municipal property, the Manager of Infrastructure and Public Works, or designate, may, at their discretion, authorize the reimbursement to the property owner forthwith all or a portion of the invoiced cost, not to include damages.
- c) The property owner shall be responsible for all maintenance, replacement, and repair of sewer laterals located on their property.
- d) The Municipality of the Village of Doaktown, is responsible for any repairs on the main lateral water and sewerage lines within 33 feet (10m) of the center line unless the repair is required due to negligence of the property owner warranting the repair is at the discretion of the Manager of Infrastructure and Public Works or designate.

**10. INDEMNITY**

- a) The Municipality shall not be liable for any damage or injury caused or done by reason of intermittent flow of the water and sewer system.
- b) The municipality will consider claims for sewer back-up or flooding only through their insurance.

**11. ENFORCEMENT**

A person who violates any provision of this By-law has contravened this by-law and is liable to a fine not exceeding fifteen hundred dollars (\$0.00 - \$1,500.00) to be paid within 6 months of the date which they were given notice of the administrative penalty and/or, as stipulated in the provisions of this By-law, disconnection of water and sanitary sewer services.

**12. EFFECTIVE DATE**

This By-law comes into effect on the date of final passing thereof.

Read first time this 19 day of July, 2023

Read a second time this 19 day of July, 2023

Read a third time and passed by Council on this 20<sup>th</sup> day of September, 2023



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Mayor Art O'Donnell



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Acting Assistant Clerk Krista Lambert

**MEMO:**

By-Law No. 2023-07 A BY-LAW RESPECTING WATER AND SEWERAGE AND THE COLLECTION OF USER CHARGES FOR THE WATER AND SANITARY SEWERAGE SYSTEM IN THE VILLAGE OF DOAKTOWN REPLACES:

By Law 87-1 A By Law of the Municipality of Doaktown Respecting the Sanitary Sewer System.

By Law 87-2 A By Law of the Municipality of Doaktown Respecting the Water System.

By Law 2020-5 A By Law to Amend, A By Law No 87-1 By Law of the Municipality of Doaktown Respecting the Sanitary Sewer System.

The 3 By Laws listed above have been repealed on September 20, 2023.

**Attachments:**

Schedule "A": Village of Doaktown Map showing water/sewerage lines.

Schedule "B": Schedule of Sanitary Water and Sewer Charges

Schedule "C": Policy on Outstanding Collections on Water and Sanitary Sewer Accounts



**SCHEDULE "B"**  
Schedule of Sanitary Water and Sewer Charges

**RESIDENCES**

Category	Units	Conditions
Apartments	1	Per Apartment Unit
Duplex Residences	2	N/A
Mobile Homes	1	N/A
Senior Citizens Home	1	Per 5 Beds
Single Family Residences	1	N/A
Boarding Houses	1	Per Four Boarders

**INSTITUTIONAL**

Category	Units	Conditions
Arenas	5	N/A
Schools, Institutions	1	Per 15 Pupils and Staff

**COMMERCIAL**

Category	Units	Conditions
Bakery	2	N/A
Barber Shops	1	Per Two Chairs
Beauty Parlors	1	Per Two Chairs
Body Shop (Automobile)	1	
Bowling Alleys (Restaurant Facilities Not Included)	1	Per Four Lane
Car Wash	2	N/A
Canteen	1	N/A
Club and Taverns	3	N/A
Dental and Doctor's Office	1	Per Practitioner
Funeral Homes	2	N/A
Laundromat	1	Per Two Washers
Motels, Cabins and Hotels	1	Per Every Three Bedrooms
Office Buildings, Stores, Bank, (or Similar Establishment)	1	Per Ten Employees
Pool Rooms, Billiard Rooms	2	N/A
Restaurants	1	Per 150 Square Ft. (or 14 M <sup>2</sup> ) Seating Area
Retail Stores, Supermarkets, Department Stores (Not Including Restaurant)	1	Per 10 Employees

**CHURCHES**

Category	Units	Conditions
Churches	1	N/A


**MUNICIPAL**

Category	Units	Conditions
Fire Department	1	Per Bay



SCHEDULE "C"

Policy on Outstanding Collections on Water and Sanitary Sewer Accounts

	<b>POLICY</b>	Department: Administration
	<b>OUTSTANDING COLLECTIONS ON WATER AND SANITARY SEWER ACCOUNTS</b>	
Effective Date:	Last Reviewed Date:	

### 1. PURPOSE STATEMENT

The purpose of this policy is to outline the process for collections of outstanding water and sanitary sewer accounts for the Village of Doaktown.

### 2. DEFINITIONS

- **"Chief Administrative Officer"** means the head of the municipal administration. The individual is the only employee who reports directly to Council "Clerk and Mayor";
- **"Clerk/Treasurer"** means the employee appointed to oversee financial accounting procedures and serve as the municipal Clerk, pursuant to Section 74(1) and 76(1) of the Local Governance Act, SNB 2018, c.18.;
- **"Conflict of Interest"** means any actual or perceived conflict, pursuant to section 87(1) of the Local Governance ACT, SNB 2018, c.18.,
- **"Council"** means the Mayor and Councillors of the Village of Doaktown
- **"Owner and "User"** shall be deemed to have the same meaning and may be used interchangeably for the purposes of this By-law;
- **"Proper Payment Plan"** means a payment plan for outstanding accounts, signed by the owner who commits to making no less than monthly installments on the outstanding account;
- **"Sanitary Sewer"** means receiving and carrying water borne wastes from residences, business buildings, institutions, and industrial establishments, and to which storm, surface, or ground waters are not intentionally admitted.

### 3. GENERAL POLICIES & PROCEDURES - PAYMENTS

Pursuant to the Village of Doaktown By-law No. 2023-07, the owner of a property connected to a water or sanitary sewerage system shall pay to the Village of Doaktown, through the Clerk/Treasurer, a bi-annual user-charge billed on an bi-annual basis, as established through the annual budget process. The bi-annual bills are to be mailed to owners in January and July.

Pursuant to the By-law, all rates and charges remaining unpaid for six months after they become due and payable under the By-law will bear interest at the rate of 2% per month, or part of a month, until paid.

This Policy continues to apply for the collections process for any repeal, replacement, or amendment to the aforementioned By-law.

## 4. OVERDUE ACCOUNTS

Every effort is made by the municipal administration to work with owners to accommodate payment arrangements on outstanding water and sanitary sewer accounts. Unpaid accounts will be subject to interest until such a point where they are paid.

Administration has the authority to proceed with collection efforts, which can include internal collection efforts or retaining an outside agency, at the discretion of the Clerk and Mayor, on any overdue accounts. Any costs incurred due to collection efforts are required to be paid by the property owner.

Once go to three calendar years without payment, owners will receive warning that the unpaid accounts will be forwarded to the municipal solicitor for collections. Administration will make every responsible attempt to advise owners that their accounts will be proceeding to the municipal solicitor, via registered or regular mail, beforehand.

When unpaid accounts are forwarded to the municipal solicitor, a judgement (Lien) will be placed against the property for the total value of the outstanding account, including Small Claims Court. Once a judgement has been served, the payment must be made in full in order to stop the judgement process.

In severe circumstances, at the discretion of the Clerk and Mayor, overdue accounts with owners who have not made an attempt to make payment arrangements on their outstanding account, may be subject to disconnection, pursuant to be By-law.

## 5. DISCONNECTION

Pursuant to Section 8(c) of the By-law, a water and sanitary sewer system may be disconnected at any time, without notice.

It is policy of municipal administration to make every reasonable effort, in addition to previous warnings through the collection process, to inform owners of pending disconnection.

This includes through:

- A letter sent via registered mail advising the owner of an anticipated date range for disconnection;
- Closer to the anticipated date of disconnection, a physical notice delivered to the property advising of an anticipated disconnection date.

Pursuant to section 8(d), upon disconnection, the owner is responsible for paying fees for disconnection and re-connection, in addition to associated legal fees and outstanding balances, before the water and sanitary system is re-connected.

## 6. REFUNDS

In the event that a customer overpays their accounts(s) or has a credit, any amount of \$200.00 or above shall be refunded to the customer by cheque. Any amount overpaid less than \$200.00 will be credited on the property's water and sanitary sewer account.

## 7. PAYMENT ARRANGEMENTS

### Overview of Payment Arrangements

The municipality allows for special payment arrangements for water and sanitary sewer accounts. This arrangement allows a customer to pay down their account based on a number of determined payments discussed and agreed to between the customer and municipal administration through the Clerk's Office. The municipality works with the customer based

on affordability and can setup arrangements ranging from 0-24 months.

Any payment arrangement beyond 24 months requires a review and approved among a discussion between Clerk/Treasurer, or their designated employee, and the Chief Administrative Officer.

#### **Arranging Payment Plan (Arrangements)**

Payment arrangement forms are available online or at the municipal office, but require a signature from the property owner in addition to details including:

- Address & PID of property;
- Monthly payment;
- E-mail address for notification of any changes to the account;
- Commitment of method of payment (cheque, payment in-person, payment online through Service New Brunswick, etc.).

#### **Interest Accrual on Outstanding Accounts with Payment Arrangements**

Municipal Administration is permitted to stop accruing interest on outstanding accounts once a proper payment plan has been arranged and remains in good standing. When accrued interest is ceased, this does not waive interest accrued before the signing of the agreement, which remains on the account until paid in full. Regular payments, in order to be eligible for interest to no longer be accrued, must be a minimum of \$75.99/month.

With special payment arrangements, all collection efforts and notices stop unless a customer fails to comply with such arrangement. In this event, the special payment arrangement is cancelled and the customer falls into the collections and notices are restarted. In the event of this breach of contract, interest will be re-applied to the account including interest backdated that would have been accrued should the payment plan not have been agreed upon.

#### **Special Payment Arrangements - Unique Circumstances**

There may be customers who have outstanding water and sanitary accounts for a number of years that wish to make payment arrangements on their accounts to avoid judgements or disconnection, but are able to do so within 24 months. In the best interest of wanting to assist to assist customers restore services and/or get up-to-date on their account, municipal administration is granted with unique authorization to implement unique individualized payment arrangements.

In these unique/extraordinary situations, in order to assist customers to get up-to-date on their accounts:

- The Clerk/Treasurer and/or delegated employee can approve adjustments on accounts to waive up to 50% of the interest charges on an outstanding account (principal charges and associated fees cannot be waived), up to \$1000.00 in adjustments with an agreed upon payment plan;
- The Clerk and Mayor can approve adjustment on accounts to waive up to 50% of the interest charges on an outstanding account (principal charges and associated fees cannot be waived), up to \$5000.00 in adjustments with an agreed upon payment plan.

These situations must be requested by the property owner and are determined on a case-by-case basis based on previous payment history, willingness to make payments on the agreed upon payment plan, and with consideration to what may be beneficial to the municipality in terms of revenue. If the customer has had a previous payment arrangement after January 1, 2023 that was not abided to, they are not eligible for an additional special payment arrangement.

## 8. COLLECTIONS WORKING GROUP

The Clerk and Mayor, and any delegated employee will meet on a regular basis to review all outstanding accounts and status of water and sanitary sewer collections.

The Collections Working Group will report quarterly to Council on the status of the collections process. This includes update on payments, collections, and outstanding payment plans. Although special payment arrangements are rare, they are reported specifically through the quarterly reports to Council by specifying the special arrangement, what was the amount owing at the time of the arrangement, the penalty, principal, or interest charges being written off, and the status of the account.

In any and all reporting to Council, no identifiable information on a property and/or its owner will be divulged to Council.

## 9. CONFIDENTIALITY

Customer information will remain confidential and will be used only for the purposes of collection of outstanding amounts due to the municipality. At times, administration may be required to provide addresses and contact information to the municipal solicitor and/or contracted services for the purposes of By-law Enforcement and collections.

In no way will any employee process voids, refunds, or adjustments of any kind on their personal customer account or an accounts deemed to have an actual, or perceived, conflict of interest. Such adjustments and/or payments shall follow the proper hierarchical chain of command with the approval coming from an individual at least one level above the individual that has the conflict of interest, whether actual or perceived:

1. Administrative Assistant;
2. Acting Assistant Clerk/Treasurer;
3. Clerk;
4. Mayor

Once approved, these adjustments shall be entered into the system by someone other than the account holder, regardless of their position on the hierarchy of approval for the purposes of conflict of interest (e.g.: anyone can enter the payment insofar as it not the individual with the actual or perceived conflict of interest).