

**VILLAGE OF KINGSTON**  
**BY-LAW #2**  
**SEWER AND SEWAGE DISCHARGE BY-LAW**

**WHEREAS** it is deemed by the Commission of the Village of Kingston that it is desirable to have a by-law which has as its object, the regulating and protecting of the drains, sewers and watercourses in the Village, from corrosion, obstruction and related problems.

**THEREFORE BE IT RESOLVED** by the Commission of the Village of Kingston that the following by-law be and the same is hereby enacted by the Village of Kingston if and when the same has received the approval of the Minister of Municipal Affairs and Housing, and the Clerk be instructed to forward same to the Minister of Municipal Affairs and Housing with a request for his approval thereof.

**A BY-LAW RESPECTING THE REGULATION OF SEWERS AND DISCHARGES TO THE  
PUBLIC SEWER SYSTEM**

1. This by-law shall be known as and may be cited as the "Sewer and Sewage Discharge By-law".

**DEFINITIONS:**

2. In this by-law, all words take their meaning from ordinary usage as well as their definitions in dictionaries of the English language, except the following specially-defined words:
  - a) **"Biochemical Oxygen Demand"** (hereinafter abbreviated as **"B.O.D."**) means the quantity of oxygen, expressed in milligrams per litre, utilized in the biochemical oxidation of organic matter contained in sewage, over a period of five (5) days at twenty degrees Centigrade (20°), as determined in accordance with the latest edition of "Standard Methods";
  - b) **"Chemical Oxygen Demand"** (hereinafter abbreviated as **"C.O.D."**) means the measure of chemically decomposable materials in domestic or industrial sewage as represented by the oxygen utilized as determined in accordance with the latest edition of "Standard Methods";

- c) **“Clerk”** means the Clerk/Treasurer of the Village of Kingston;
- d) **“Commission”** means the Commission of the Village of Kingston;
- e) **“Engineer”** means the Manager of Wastewater Services of the Village of Kingston, or any person appointed by the Commission to fulfill the duties of engineer if there is no engineer;
- f) **“pH”** means the measure of the intensity of the acid or alkaline condition of a solution determined by the hydrogen ion activity of the solution in accordance with the latest edition of “Standard Methods”;
- g) **“private sewer system”** means that portion of a sanitary or storm sewer system which is not owned by the Village;
- h) **“public sewer system”** means that portion of a sanitary or storm sewer system which is owned by the Village;
- i) **“public storm sewer system”** means that portion of a storm sewer system which is owned by the Village;
- j) **“sanitary sewage”** means any water-carried wastes from residential, commercial, institutional or industrial buildings or premises, but does not include storm water;
- k) **“sanitary sewer system”** means a system of pipes, conduits, trunk sewers, pumping stations and treatment plants designed to receive, carry and treat sanitary sewage;
- l) **“Standard Methods”** means the procedures, with amendments applicable at the date of testing, as set out in a publication titled “Standard Methods for Examination of Water and Waste Water” which is published by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation, or an equivalent procedure which has received the approval of the Department of Environment (N.S.);
- m) **“storm sewer system”** means a system of pipes, conduits, catch pits, culverts, ditches, watercourses and retention ponds designed to receive, carry and control storm water as well as industrial cooling water or unpolluted process waters;
- n) **“storm water”** means waters which originate as ground or surface runoff waters as a result of natural precipitation and which are unpolluted other than by contact with the natural environment;

- o) **“suspended solids”** means the insoluble matter suspended in sanitary sewage which matter is separable by laboratory filtration in accordance with procedures and described in “Standard Methods”;
- p) **“Village”** means the Village of Kingston.

### **PROHIBITIONS:**

#### **3.**

- (a) No person shall discharge, or cause or permit to be discharged, whether by means of a private sewer system or otherwise, any storm water or water which has been used in a temperature-controlling process such as solar heating or cooling of machinery, or any unpolluted process water, so as to allow it to enter any public sanitary sewer system, and without restricting the generality of the foregoing, including any water from sump-pumps or roof drains.
- (b) No person shall discharge, or cause or permit to discharge, whether by means of a private sewer system or otherwise, any sanitary sewage so as to allow it to enter any public storm sewer system.
- (c) No person shall injure, break or remove any portion of a public sewer system or any device installed in a public sewer system for the purpose of measuring, sampling or testing of sanitary sewage.
- (d) No person shall obstruct, or cause or permit the obstruction of, the flow through any public sewer system.

### **PROHIBITION ON EFFLUENT STRENGTH:**

- 4. No person shall discharge, or cause or permit the discharge, into any part of a public sewer system, the following:
  - (a) sanitary sewage of a temperature in excess of 65°C (150°F);
  - (b) any flammable or explosive matter such as, but not limited to, gasoline, benzene, naptha, fuel oil or acetone;
  - (c) any quantity of matter capable of obstructing the flow in, or interfering with the proper operation of, any part of a sanitary or storm sewer system such as, but not limited to, ashes,

- unground garbage, sand, gravel, straw, mud, shavings, metal, glass, rags, feathers, plastic, wood or cellulose or any other materials which are foreign to a sewer system;
- (d) sanitary sewage having a pH of less than five and one-half (5.5) or greater than nine and one-half (9.5) or having any other corrosive characteristic which renders it hazardous to a public sewer system or to personnel having to work with the public sewer system such as, but not limited to, battery plating wastes, battery acid wastes, copper sulphate, chromium salts, chromium compounds or brine;
  - (e) sanitary sewage which emits an offensive odour or foam or which otherwise causes a nuisance, such as, but not limited to, sanitary sewage containing hydrogen sulphide, n-Butyl-Mercaptan, carbon disulfide, ammonia, trichloroethylene, sulphur dioxide, formaldehyde, chlorine, bromine or pyridine;
  - (f) sanitary sewage containing fish, animal or human offal or containing pathologic wastes;
  - (g) sanitary sewage in which the concentration of any fats, wax, grease, mineral or vegetable oil in liquid or solid form exceeds fifty (50) milligrams per litre in the case of sanitary sewage of animal or vegetable origin, or exceeds fifteen (15) milligrams per litre in the case of sanitary sewage of mineral origin;
  - (h) sanitary sewage containing herbicides, pesticides, xenobiotics, including polychlorinated biphenols (PCBs), or radioactive materials;
  - (i) sanitary sewage which results in an unacceptable level of discoloration such as, but not limited to, dye wastes or tanning solutions;
  - (j) sanitary sewage in which the concentration of suspended solids exceeds two hundred (200) milligrams per litre;
  - (k) sanitary sewage in which the concentration of B.O.D. exceeds two hundred (200) milligrams per litre;
  - (l) sanitary sewage in which the concentration of the chemical oxygen demand (C.O.D.) exceeds one thousand (1,000) milligrams per litre;
  - (m) sanitary sewage in which the concentration of any of the substances listed in the table below exceeds the allowable concentration, expressed in milligrams per litre:

<u>Substance</u>	<u>Allowable Concentration</u>
Aluminum (Al)	50.0
Antimony (Sb)	5.0
Arsenic (As)	1.0
Barium (Ba)	5.0
Beryllium (Be)	5.0
Bismuth (Bi)	5.0
Cadmium (Cd)	0.1
Chlorides (Cl)	1500.0
Chloroform	0.01
Chromium (Cr)	0.37
Cobalt (Co)	5.0
Copper (Cu)	1.0
Cyanide (HCN)	1.0
Dichlorobenzene	0.09
Ethylbenzene	0.057
Flourides (F)	10.0
Hexachlorobenzene	0.055
Iron (Fe)	50.0
Lead (Pb)	0.1
Manganese (Mn)	5.0
Mercury (Hg)	0.1
Methylene Chloride	0.0981
Molybdenum (Mo)	5.0
Nickel (Ni)	0.55
Phenol	1.0
Phosphorous (P)	12
Selenium (Se)	0.82
Silver (Ag)	0.29
Sulphates (SO4)	1500.0
Sulphide (H2S)	0.3
Tetrachloroethane	0.04
Tetracholoethylene	0.05
Tin (Sn)	5.0
Titanium	5.0
Tolyene	0.08
Trichloroethylene	0.054
Vanadim	5.0
Zinc (Zn)	0.03

- (n) sanitary sewage consisting of the contents of septic tanks or holding tanks, wastes from marine vessels or vehicles or sludge from a sewage treatment plant;
- (o) sanitary sewage containing substances for which special treatment or disposal practices are required by provincial or federal legislation.

### **EFFLUENT VOLUME**

5. No person shall be allowed to hook up to the public sewer system, nor shall any person be allowed to expand its use of the system so as to discharge, or cause or permit to be discharged, into any public sanitary sewage system an average daily volume of sanitary sewage exceeding 9,092 litres (2,000 imperial gallons). Such average daily volume is to be calculated over any period of five (5) consecutive days as selected by the Engineer.
6. Any commercial, industrial or institutional operation wishing to be connected to the public sanitary sewer system shall, if in the opinion of the Engineer, the discharge of sanitary sewage from the operation may possibly violate clause 5 above, be required to include in any sewer connection permit application information concerning the use of the property occupied or owned by the applicant as well as a true estimate of the average daily volume of sanitary sewage, in litres, expected to be discharged into the public sanitary sewer system.
7. No commercial, industrial or institutional operation shall be permitted to hook into the public sanitary system if the estimate of average daily volume, calculated pursuant to clause 5 exceeds, or is expected to exceed 397,782 litres (87,500 imperial gallons) per day. In such circumstances, the commercial, industrial or institutional operation shall be permitted to hook into the public sanitary sewer system only if an agreement is entered into with the Village.
8. An interceptor or interceptors, for fat, grease, oil or sand, or any combination of them shall be provided by the property owner when such is necessary for the proper handling of any matter which is to be discharged into a public sewer system and any such interceptor shall be of a type and capacity approved by the Engineer and shall be located so as to be readily accessible for cleaning by the property owner and for inspection by the Engineer or an agent or employee of the Village qualified to act on behalf of the Engineer.

## **GENERAL**

9. The Village Commission shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water courses as the Commission deems necessary or expedient.
10. The owner of any house, store, office or other building and fronting on any street in which there is located a public sewer system shall install suitable toilet, shower or bathing facilities, and shall connect such facilities directly to the public sewer system within 90 days after receipt of notice to do so.
11. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an internal lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
12. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by an inspector designated by the Commission, to meet all requirements of this by-law.
13. Whenever possible, a building's sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which the sewer outlet is too low to permit gravity flow to the public sewer, sanitary sewage from such buildings shall be lifted by an approved means and discharged to the public sewer.
14. No person shall make connection of roof downspouts, exterior foundation drains, area-way drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Surface runoff or ground water shall be disposed of by connection to a public storm or combined sewer, or a natural outlet or shall be disposed of by wet well or other approved means.

15. The drains or laterals connecting private property and the houses or other buildings located thereon to a public sewer system shall be constructed and maintained at the expense of the private property owner and the said property owner shall be responsible for all construction and maintenance costs from the closest point of connection to the Village's public sewer system to the private property and the houses or other buildings located thereon.
16. All drains or laterals referred to in the preceding paragraph herein shall be laid out in such form and in such direction of such size, with such grade and with such traps and strainers as the Village Commission shall order and shall be constructed and maintained under the direction and supervision of the Engineer for the Village.
17. All drains or laterals connecting private property with a public sewer system shall be well and sufficiently trapped so as to prevent any sewer backup or any escape of noxious vapours or unpleasant smells from the sewer lateral into or on the premises of the private property owner and the owner of any private property now connected by a drain or lateral with the public sewer system and which is not presently properly equipped with the necessary traps and strainers shall upon being notified in writing by the Engineer proceed to install all necessary traps, strainers and backwater valves as directed. In the case the private property owner neglects or fails to comply with the directions of the Engineer, then in that event, the Village Commission may exercise the rights and remedies as provided for in the by-law.
18. Improvements & Repairs
- a) Where any private property or any house or other building located on private property is now connected with or shall hereafter be connected by a drain or lateral into a public sewer system and, in the opinion of the Village Commission the drain or lateral has not been constructed in a proper fashion in that the alignment, grade, construction materials, size, or it has not been constructed in conformity with any regulations or by-laws made by the Village Commission or not in accordance with the direction of the Engineer or any other person appointed by the Village Commission then the Commission may order the said drain or lateral to be taken up and rebuilt or repaired.



- b) Where any private property or any house or other building located on private property is now connected with or shall hereafter be connected by a drain or lateral into a public sewer system and such drain or lateral shall become or be out of repair, stopped up or defective, the Village Commission may order the said drain or lateral to be taken up and rebuilt or repaired.
- c) In the event the private property owner neglects or fails to comply with the directions given pursuant to the immediately preceding clauses (a) and (b) then in that event the Village Commission may exercise the rights and remedies set forth in this by-law.

#### **19. Permits & Inspection**

- a) No person shall uncover, make any connections to, open into, use, alter or disturb any public sewer system or pertinance thereto without first obtaining a permit from the Village Clerk.
- b) The owner or his agent shall make application for the permit required herein by completing the Village of Kingston official application form and submitting the said application together with all plans, specifications or other information required by by-law or any federal/provincial authority. The application form shall be submitted in duplicate with the required fee. One copy of the application will be returned to the applicant and will constitute the permit.
- c) The owner of each property to be connected to the public sewer system shall pay such connection and inspection fee as the Commission shall determine by resolution from time to time.

**20.** No sewer lateral shall be covered over until such time as the lateral and connections have been inspected by the Engineer of the Village.

**21.** Streets, sidewalks, walkways and other public property disturbed in the course of any excavation shall be restored to the same state as existed prior to the excavation.

**22.** The Engineer or other employee or agent of the Village shall be permitted to enter upon all private property for the purpose of completing any inspection, observation, measurement, sampling or testing at any time without notice to the owner or occupier of the said property,

## **SEWER RATES:**

**23.**

- a) Every owner of land on which any building is connected with, or is required to connect with, wastewater facilities shall pay to the Village an annual Sanitary Sewer Service Charge for the construction, operation and maintenance of the wastewater facilities of the Village.
- b) The Sanitary Sewer Service Charge shall be calculated as described in Appendix A.

## **VIOLATIONS**

- 24.** Any person who violates any provision of this By-law is guilty of an offence and is liable, upon conviction to a penalty of not more than Five Thousand Dollars (\$5,000.00) per day, and is in default of payment thereof, to imprisonment for a period not to exceed ninety (90) days.
- 25.** Notwithstanding the above, an alternative remedy in the case of an alleged contravention of the provision of this by-law open to the Commission is to direct the Clerk to initiate an action in the Supreme Court of Nova Scotia for the obtaining of a Court Order in the nature of an injunction directing the person responsible for the offending discharge to limit or to cease entirely such discharge into the public sewer system on the basis of nuisance.

## **EFFECT**

- 26.** This by-law shall take effect from the time of approval of the Minister of Municipal Affairs and Housing until such time as a future repeal or amendment
- 27. REPEAL AND REPLACE** - The previous version, and all other versions of the Sewer By-Law, are repealed and replaced by this version.

## **APPENDIX A – SEWER FEES**

### **BASIC CHARGE - \$350.00**

The owner of each residence including a mobile home as defined in the Mobile Home By-Law of the Municipality of the County of Kings and an apartment or other separate dwelling unit, each vacant lot, each separate business premise, and every other property shall pay the basic charge.

### **VACANT LOT CHARGE - \$150.00**

All property owners shall pay a vacant building lot charge for all single building lots that are accessible to the village sewer system. See exempted special condition below.

### **OTHER SEWER CHARGES**

BOARDING HOUSE	basic charge of \$350.00 plus \$150.00 per room
BASIC COMMERCIAL SERVICE	basic charge of \$350.00 plus \$240.00 for less than 5 employees and public washrooms plus \$240.00 for each additional 5 employees
HOTEL/MOTEL	basic charge of \$350.00 plus \$175.00 per room
GROCERY/CONVENIENCE STORE (up to 5,000 sq. ft. without meat counter)	basic charge of \$350.00 plus \$590.00 for each additional 2,500 sq. ft.
GROCERY STORE WITH MEAT COUNTER (up to 12,500 sq. ft.)	<ul style="list-style-type: none"> <li>• basic charge of \$350.00 plus \$695.00</li> <li>• over 7,500 sq. ft. to 12,500 sq. ft. - \$975.00 plus \$695.00 for each additional 2,500 sq. ft. over 7,500 to 12,500 sq. ft.</li> </ul>
GROCERY STORE WITH MEAT COUNTER (over 12,500 sq. ft.)	\$2,577.58 plus \$695.00 for each additional 2,500 sq. ft.
SERVICE STATION/GARAGE	basic charge of \$350.00 • for no public washrooms and under 5 employees plus add \$240.00 for each additional 5 employees • (with public washrooms) basic charge of \$350.00 plus \$395.00 for every 10 employees • if the service station/garage contains wash bays this will be an additional cost to be negotiated.
HAIRDRESSER/BARBER	basic charge of \$350.00 plus \$350.00 for 5 employees and \$240.00 for each additional 5 employees
LAUNDROMAT	basic charge of \$350.00 plus \$45.00 per washing machine
NS LIQUOR COMMISSION	flat rate of \$4,027.47

ALIANTELECOM	basic charge of \$350.00 plus \$240.00 for every 10 employees
MANUFACTURER	<ul style="list-style-type: none"> <li>• basic charge of \$350.00 up to 5 employees</li> <li>• plus \$240.00 for 6 to 15 employees</li> <li>• 16 to 30 employees charge of \$975.00</li> <li>• 31+ employees charge of \$1,765.00</li> </ul>
RESTAURANTS	basic charge of \$350.00 plus \$770.00
TEA ROOMS/TAKEOUTS	basic charge of \$350.00 plus \$400.00
LICENSED PREMISES (excluding restaurants)	<ul style="list-style-type: none"> <li>• serving food charge: \$1,120.00 plus \$770.00 plus per cubic meter rate*</li> <li>• no food served charge \$1,120.00 plus per cubic meter rate*</li> </ul>
SERVICE CLUBS	<ul style="list-style-type: none"> <li>• basic charge of \$350.00 plus \$240.00 for public washrooms plus \$185.00 for each 5 employees</li> <li>• bar open regularly same as above plus per cubic meter rate for bar area</li> </ul>
RCMP STATION	basic charge of \$350.00 plus \$240.00 per each 10 employees
SCHOOLS	\$13.87 per student per school year
SCOTIA FLOUR & FEED COMPANY (Grocery Store with Meat less 30%)	• basic charge of \$6,669.30 (\$2,577.58 + 10*\$695.00) - 30%
MOBILE PARK LOT	• basic charge of \$350.00 for each lateral installed (whether in service or not)
UNDEVELOPED LOTS WITH MULTIPLE LATERALS	<ul style="list-style-type: none"> <li>• basic charge of \$150.00 for each lateral installed but not in service</li> <li>• basic charge of \$350.00 for each lateral installed and in service</li> </ul>

\* Per cubic meter ( $m^3$ ) rate = seating capacity x days open x 2 x \$2.103

### SEWER CONNECTION FEE

The owner of each building on the property to be connected to the sewer shall pay a connection and inspection charge of three hundred eighty dollars (\$380.00). The fee will be for all installations required for the connection to the Village of Kingston's sewer system. The fee is to accompany the connection application.

## END OF APPENDIX A – SEWER FEES

## By-law Document Attestation

Date of approval of first reading:	2022-09-20
Date of advertising of notice of intent to consider:	2022-10-06
Date of approval of second reading:	2023-09-21
Date of approval of Minister of Municipal Affairs:	

I certify that this by-law was adopted by Village Commission and published as documented above:



Chairperson

09-21-2023

Dated

  
Mike McCleave

Clerk and Treasurer

09-21-2023

Dated

**Certificate of Approval**

**“Sewer and Sewage Discharge By-law”, Village of Kingston**

This is to certify that, pursuant to subsection 433(1) of the *Municipal Government Act*, the “BY-LAW #2 - SEWER AND SEWAGE DISCHARGE” submitted by the Village of Kingston, Kings County, Nova Scotia, passed at a duly convened meeting of the Village Commission of the Village of Kingston on the 21<sup>st</sup> day of September, 2023 is hereby approved, and the said by-law hereby has the force of law pursuant to subsection 433(1) of the *Municipal Government Act*.

DATED this 17th day of October, 2023.

  
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Honourable John Lohr  
Minister of Municipal Affairs and Housing