

THE MUNICIPALITY OF THE DISTRICT OF ST. MARY'S

SEWER BY-LAW

This By-Law is made by the Municipal Council in the Municipality of the District of St. Mary's pursuant of section 99 (ah) and 191 (A1) of Chapter 295, Revised Statutes of Nova Scotia, 1989, Municipal Act

RESOLVED by the Municipal Council of the Municipality of District of St. Mary's that the following be and the same is hereby enacted that the Municipal Clerk be and is hereby instructed to forward the same to the Minister of Municipal Affairs with a request for his approval hereof.

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PART A - INTERPRETATION

1. All words in this by-law shall have their usual English meaning but, unless the context requires otherwise, whenever used in this by-law the following definitions will apply:

DEFINITIONS

(1) "Backwater Valve" means a check valve to restrict the back flow of waste water.

(2) "BOD" Biochemical Oxygen Demand or BOD means the quantity of oxygen utilized in the biochemical oxidation of organic matter under laboratory conditions in five (5) days at 20 degrees Centegrade expressed in milligrams per litre.

(3) "Central Sewage Disposal System" means a sewage disposal system owned and operated by the Municipality serving two or more properties.

(4) "Combined Sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer.

(5) "Commercial or Industrial User" means any establishment which may, in the future, request to be connected into the Municipality's sewage System and which establishment expects to or does discharge waste water whose volume is in excess of 200 gallons per day.

(6) "Council" shall mean the Council of the Municipality of the District of St. Mary's.

(7) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(8) "Inspector" shall mean any person who is appointed as such by the Municipality to carry out inspections or investigations on behalf of the Municipality as may be required under this By-Law.

(9) "Matter" means substances, materials, water, or waste water other than sanitary sewage.

(10) "Municipality" means the Municipality of the District of St. Mary's;

(11) "Municipal Clerk" means the clerk or deputy municipal clerk of the Municipality of the District of St. Mary's.

(12) "Municipal Services Committee" means the standing committee of Council known as the License, Sewer & Water Committee.

(13) "Municipal Sewerage System" means the total collection system transmission system and treatment system as operated from time to time by the Municipality of the District of St. Mary's.

(14) "Owner" means prima facie, the assessed owner, unless the contrary is shown.

(15) "pH" means a measure of the acid or alkaline of solution ranging in value from 1 (most acidic) to 14 (most alkaline), neutral being 7 the center of the range.

(16). ("Polluted" shall mean altered physical, chemical, biological or aesthetic properties of the natural waters of the area, including change of the temperature, taste, or odor of the waters, or the addition of any liquid, solid radioactive, gaseous or other substances to waters or the removal of such substances from the waters, which will render or is likely to render the waters harmful to the public health, safety or welfare, or harmful or less useful for domestic, municipal, industrial, agricultural, recreational or other lawful uses, or for animals, birds, or aquatic life.

(17) "Public Sanitary Sewer" means a sanitary sewer owned, constructed or purchased by the Municipality and maintained as a public sanitary sewer located on public property or on private property for which the Municipality has an easement, or other legal or equitable interest.

(18). "Public Sewer Lateral" means a sewer which runs from the public sanitary sewer to the bounds of private property. to the

(19) "Private Sewer Lateral" means a sewer which runs from the public sanitary sewer lateral at the bounds of private property to the owner's building connection.

(20) "Sanitary Sewage" shall mean waste water carried in solution or in suspension from residences, commercial buildings, or premises, institutions, and industrial establishments but excluding storm water, groundwater, water from foundation, roof and floor drains, sump pumps, cooling water or unpolluted process water.

(21) "Sludge" shall mean any discharge of sewage which in concentration of any given constituent or any quantity of flow exceeds more than five times the average 24 hour concentration of flow for a period in excess of fifteen minutes.

(22) "Storm Sewer" means a sewer for the collection and transmission of unpolluted water, storm, surface waters, industrial coolingwater, but excludes sanitary sewage.

(23) "Storm Water" means water from rainfall or other natural precipitation or from the melting of snow or ice, which is unpolluted other than by its contact with the natural environment.

24) "SS or Suspended Solids" means solid matter in or on a liquid, which matter is removable by filtering.

(25). "Unpolluted Water" means water to which no matter has been added as a consequence of its use, or to modify its use.

(26) "User Fee" means an annual fee payable to the Municipality by the owner for the use of a public sanitary sewer as determined under Part C 1 (e).

(27). "Wastewater" means the spent or used water which contains dissolved and/or suspended solids.

PART B - CONSTRUCTION, INSTALLATION, MAINTENANCE & OPERATION

Construction Improvements

1. (a) Whenever the majority of the owners of the property in any designated area of the Municipality shall petition the Council for the construction of the public sanitary sewer, then the Municipal Council may, unless for sufficient reason to the contrary, order the same to be constructed.

(b) When the Council deems it necessary that a public sanitary sewer be constructed in any area or any portion of the Municipality, the Council may order, by resolution and without the authorization of any petition of the owners, that such public sanitary sewer is to be constructed and all the provisions of the By-Laws relating to and regulating the use of public sanitary sewers in force in the Municipality be and are hereby made applicable to any public sanitary sewer construction by virtue of such resolution.

(c) The Municipal Council may, by resolution, order the repair or improvement of public sanitary sewers existing in any road, area or portion of the Municipality, whenever the same shall be considered necessary or desirable, and to lay out, excavate and complete a public sanitary sewer in any area of the Municipality and perform any other work necessary to be done in connection therewith.

2. MUNICIPAL SERVICES COMMITTEE

The Council shall annually appoint a standing Committee on sewers called the ^{Municipal} Sewer Committee. It shall be the duty of this Committee to make an annual report to Council concerning the operation, construction and installation of all sewers. The Council may refer to such Committee any questions relating to the proposed installation of a sewer in any part of the Municipality for study and report. This Committee shall be responsible for the enforcement of the By-Laws relating to sewers. The Committee shall construct and install sewers directed by the Council.

3. MANDATORY CONNECTION

(i) The Council by resolution or the Municipal Services Committee may order:

(a) The owner of every dwelling, house, shop, store, office or other building the nearest part of which is not more than one hundred feet from any portion of the sewer line shall construct a drain therefrom and connect the same with the sewer line in such manner as provided herein;

(b) Owners of outhouses and septic tanks where an order is made under Clause (a) or where the building is connected with the sewer, to remove and destroy such outhouses and to destroy and fill such septic tanks,

but the Council or the Municipal Services Committee may exempt from Clause (a) any such building as appears to it

(c) to be adequately served with sewer and drainage; or

(d) would not be adequately served by connection with a sewer line of the Municipality.

(ii) (a) Any person who fails to comply with an order made under Clause (a) or Clause (b) of subsection 1 or both, within thirty days after notice thereof has been served upon him either personally or by registered mail addressed to the last address known to the Municipal Clerk, is guilty of an offense and liable on conviction to a penalty prescribed by the Summary Proceedings Act.

(b) Every day during which such failure to comply continues shall be deemed a fresh offense.

PART C - SEWER CONNECTIONS, PERMITS, SPECIFICATIONS

1. Cost Sewer Connection

(a) Unless otherwise directed by resolution of Council, when a new public sanitary sewer first becomes operational, each owner is liable for the entire installation cost and maintenance and repair of the private sewer lateral from the owners' building to the public sewer lateral at the street or road boundary.

(b) Unless otherwise directed by resolution of Council, when an owner wishes connection to an existing public sanitary sewer, that has been operational for a period of time, each owner is liable for the entire installation cost from the

owner's building to the public sanitary sewer after first acquiring necessary permits and is responsible thereafter for any maintenance or repair costs as defined in Part C 1 (a). All installation from the main line to street line, if required, shall be done by the Municipality and the owner shall be responsible for this cost in addition to the connection costs.

(c) After all or part of the public sanitary sewer system has been upgraded, every owner of land which is serviced by the public sanitary sewer or is fronting on either side of any street or highway within the Municipality, which street or highway has been a sewer line installed pursuant to the provisions of this by-law, or situated within 100 feet of the termination of the public sanitary sewer shall be liable to pay a capital cost upgrading fee equal to that portion of the total capital costs of upgrading the public sanitary sewer system remaining after all cost sharing divided by the number of units in that particular system as determined by the Municipal Services Committee and approved by Council at the time of the upgrading, which capital cost upgrading by resolution of Council be paid in installments over a period of years.

(d) Every owner of land which is serviced by the public sanitary sewer or is fronting on either side of any street or highway within the Municipality which street or highway has had a sewer line installed pursuant to the provisions of this by-law, or situated within 100 feet of the termination of the public sanitary system constructed after 1989 shall pay a capital cost fee, being equal to that portion of the total capital cost of construction remaining after all cost-sharing divided by the number of construction units as determined by Municipal Services Committee in that particular sewer system at the time of construction which capital construction cost fee may, by resolution of Council, be paid in installments over a period of years.

(e) Every owner of land which is serviced by the public sanitary sewer or is fronting on either side of any street or highway within the Municipality which street or highway has had a sewer line installed pursuant to the provisions of this by-law, or situated within 100 feet of the termination of the public sanitary sewer shall pay an annual sewer maintenance operating charge for the upgrading and maintenance of the Municipal sewer system.

(f) The annual sewer maintenance operating charge in central sewage disposal systems operated by the Municipality shall be the actual total operating and maintenance costs in the previous year, of that particular system, as determined by the Municipal auditor, divided by the total number of equivalent units in that particular system as calculated by April 1st; of the following year.

(g) The equivalent units shall be assigned as follows:

(i) A single family dwelling, mobile home, or cabin assessed as one lot shall be considered one equivalent unit .

(ii) A lot upon which no building has been constructed that has received final approval as a subdivision lot by the Development Officer of the Municipality shall be considered one equivalent unit.

(iii) Land upon which no building has been constructed and has not received final approval as a sub-division shall be considered one equivalent unit for each assessed lot.

(iv) Churches or Community halls, public schools, hospitals, government buildings or property used for commercial purposes such as apartments, office buildings, nursing homes, senior citizen complexes, hotels or motels, restaurants, laundromats, retail stores, shopping malls, campgrounds and mobile home parks shall be assigned equivalent units based on the estimates average daily flow in imperial gallons of sanitary sewage as set out in the table forming appendix "A" attached to this by-law.

(h) Any costs, fees and charges, payable under this By-Law, shall constitute a lien upon the property in respect of which it is due in the same manner and with the same effect as other rates and taxes under the "Assessment Act" Revised Statutes of Nova Scotia, 1989 Chapter 23 as amended, and shall be paid and may be collected in the manner provided under the "Assessment Act" for the collection of other rates and taxes.

2. Permits for Installation of Sewer Laterals

(a) Before any person constructs a sewer lateral, that person shall apply to the Municipal Services Committee indicating proposal lines and grades and the Committee shall approve same or, by its municipal inspector, assign suitable lines and grades for any sewer lateral.

(b) No person shall connect a sewer lateral, private drain or sewer with the public sanitary sewer without first obtaining necessary permits from the inspector and other authorities having jurisdiction, providing however, that notwithstanding the issuance of any such permit, the person to whom any such permit is issued shall be liable for any damage or injury to the public sanitary sewer caused by him, his servants, agents or workmen in making such connection.

(c) The construction and installation of any sewer lateral to the public sanitary sewer shall be under the direct supervision of the Inspector and in accordance with the specifications as defined in Part C (3).

(d) Any person requesting a permit for connecting a sewer lateral with the public sewer shall pay to the Municipality a deposit of fifty dollars. Before backfilling, the sewer lateral installation is to be approved by an inspector. Under no circumstances is backfilling permitted prior to inspection. After approval, backfilling may commence, and when work has been satisfactorily completed, the deposit will be refunded.

3. Specifications for Sanitary Sewage Laterals & Connections

(a) the pipe shall have a uniform grade, when laid, or not less than 6.0 mm in 30.0 cm or 1/4" to 1 ft., ie., a slope of not less than two (2.0%) per cent;

(b) All horizontal and vertical changes in direction shall be made by curved pipe;

(c) Right angle bends are not permitted;

(d) curved pipes shall be used in every deflection from a straight line of more than 25 cm in one meter;

(e) Any sewer lateral shall, from a point one meter outside of the foundation of the house or building to the street boundary, be of PVC with SDR less than or equal to 28, the pipe having a diameter of not less than 4" and a backwater valve shall be installed in an accessible location in the basement or elsewhere;

(f) private sewer lateral are to be provided with at least one clean-out of each 100 ft. (30.5 metres) in length.

(g) the sewer lateral may be laid in a common ditch with a water line. It must be buried at a lower elevation with a minimum vertical and horizontal separation of one foot or 30 cm. If the water pipe is below the sewer lateral, then the two services must be laid in separate trenches separated by undisturbed earth, i.e., about ten feet apart.

(h) The sewer lateral shall be laid on a bed of approved fine gravel having a minimum depth of six (6) inches (15 cm) compacted to the spring line to prevent lateral deflection and not backfilled until inspected and approved by the inspector or his appointee;

(i) When backfilling is permitted a topping of a minimum of twelve (12) inches of approved fine gravel must be laid over the sewer lateral before previously excavated backfill material is replaced into the ditch to bring it up to grade;

(j) All pipes shall be Polyvinyl Chloride (PVC) with rubber gasketed bell and spigot joints conforming to Canadian Standards Association (CSA) specification B182.1 for 4" and 6" diameters and B182.2 for 8" diameter and larger. Joints shall conform to CSA A257.3

4. Capping of Abandoned Lateral

(a) Whenever any sewer lateral is abandoned, the owner shall effectively cap the connection at the property boundary so as to prevent sewage from backing up into the soil, or dirt being washed into the sewer.

(b) Where the owner does not effectively cap a sewer lateral as required under the provisions of subsection 4(a) above within seven days from receipt of a notice from the inspector requiring him to do so, the inspector may cause the same to be done and the cost of such work may be recovered as a debt by the Municipality from the owner in an action in any court of competent jurisdiction.

(c) Where the owner of an abandoned sewer connection wishes to reconnect to the sewer, he shall apply to the Municipality for a permit and follow the requirements of Part C 2(b) above.

5. Malfunction

(a) If a building connection malfunctions, i.e., becomes blocked or collapses, that portion of the lateral within the street boundary shall be examined by the inspector. If the Municipal connection is clear the inspector may with the permission of the owner, examine the remaining portion of the lateral or may leave it to the property owner to do so.

(b) If the malfunction is caused by the owner, the cost for clearing the blockage or repairing the connection shall be the responsibility of the owner.

(c) If the owner fails to restore the connection within 48 hours, the work may be done by the Municipality and the cost back-charged to the owner and recovered by the same procedures as set out herein, if the property owner refuses or fails to pay.

6. Discharge from Septic Tanks or other Drainage

(a) No person shall discharge, cause to be discharged or permit to be discharged any contents of any septic tank, cesspit, holding tanks, wastes from marine vessels or vehicles, or sludge into any public sanitary sewer.

(b) No foundation, roof or floor drainage systems sump pump discharge, storm drainage of any type, cooling water or unpolluted process water shall be connected to a public sanitary sewer. Where a storm sewer drainage system exists, all of the above-mentioned in this clause may be connected to same, provided the discharge is not polluted.

(c) Whenever the Municipal Services Committee, or its inspector considers it necessary, there will be required from any commercial or industrial user, which is connected to a public sewer, 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. All owners of garages, service stations, car wash operations and similar business establishments shall provide approved types of interceptors for oil, grease, soap and similar products.

(d) All interceptors shall be of a type and capacity approved by the Municipal Services Committee, or inspector and shall be located so as to be readily and easily accessible for cleaning and inspection. No interceptor shall be installed without prior approval.

(e) 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 removeable covers which, when bolted in place, shall be gas-tight and water-tight.

(f) Whenever the Municipal Services Committee or its inspector requires pretreatment of any wastewater discharge, to comply with the standards contained in this By-Law, the design and installation of the plant and equipment shall be subject to the review and approval of the Municipal Services Committee and the Nova Scotia Department of Environment.

(7) Appeal

(a) Where under the provisions of this By-Law approval or permission of the Inspector is required before any work may be done, an appeal directed to the Municipal Services Committee as to the decision of the inspector, refusing to grant approval or permission, and the Committee, in accordance with this By-Law, shall either uphold the decision or direct the inspector to grant the approval or permission.

PART D - SEWAGE DISCHARGE

1. No person shall discharge or deposit or cause or permit the discharge or deposit into any sanitary sewer, directly or indirectly, matter of any type or at any temperature or in any quantity whether on its own, or mixed with the effluent, or when mixed with other sewage which may be or may become harmful to a sewage system, or which may interfere with the proper operation of the sewage system, or which may impair or interfere with any sewage treatment process, or which may be or may become a hazard to persons, animals or property, and without limiting the generality of the foregoing, any of the following:

(a) Sewage that may cause an offensive odor to emanate from a sewage system, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphur compounds, amines or ammonia;

(b) Sewage at a temperature greater than 65 degrees Celsius (149 Fahrenheit);

(c) Sewage having a pH less than 5.5 or greater than 9.5 or which, due to its nature or context, becomes less than 5.5 or greater than 9.5 within a sewerage system;

(d) Sewage containing fish, offal or pathologic waste;

(e) Sewage containing herbicides, pesticides, xenobiotics including P.C.B.'s or radioactive materials.

(f) Any flammable or explosive matter such as but not limited to, gasoline, benzene, naphtha, fuel oil, solvents, or sewage containing any of these in any quantity;

(g) Sewage containing more than 50 milligrams per litre of solvent extractible matter of animal or vegetable origin;

(h) Sewage containing more than 50 milligrams per litre of solvent extractible matter of mineral or synthetic origin;

(i) Sewage which consists of two or more separate liquid layers;

(j) Sewage of which biochemical oxygen demand exceeds 250 milligrams per litre;

(k) Sewage containing more than 250 milligrams per litre of suspended solids;

(l) Sewage causing excessive discoloration such as but not limited to dye wastes or vegetable tanning solutions. Sewage containing but not limited to any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, grease, oils, plastics, wood or other solid or viscous substances in a quantity capable of causing obstruction to the flow in the sewers or other interference with the proper operation of the sewerage system.

(m) Sewage containing any of the following matter in excess of the indicated concentrations:

| <u>MATTER</u> | <u>EXPRESSED AS</u> | <u>CONCENTRATION IN MILLIGRAMS PER LITRE</u> |
|--------------------|---------------------|--|
| Aluminum | Al | 50.0 |
| Arsenic | As | 1.0 |
| Barium | Ba | 5.0 |
| Cadmium | Cd | 1.0 |
| Chloride | Cl | 1500.0 |
| Chromium | Cr | 5.0 |
| Copper | Cu | 2.0 |
| Cyanide | HCN | 2.0 |
| Flouride | F | 10.0 |
| Iron | Fe | 10.0 |
| Lead | Pb | 2.0 |
| Manganese | Mn | 5.0 |
| Mercury | Hg | 0.1 |
| Nickel | Ni | 2.0 |
| Phenolic compounds | | 1.0 |
| Phosphorus | P | 100.0 |
| Silver | Ag | 1.0 |
| Sulphate | SO | 1500.0 |
| Sulphide | S4 | 2.0 |
| Tin | SN | 5.0 |
| Zinc | Zn | 2.0 |

PART D - RESTRICTIONS

1. No person shall break, damage, destroy, deface or tamper with:

(a) Any part of a sewerage system;

(b) Any device whether permanently or temporarily installed in a sewage works for the purpose of measuring, sampling and testing of sewage.

2. A combined sewer is not permitted under this By-Law.

PART E - ENFORCEMENT

(a) Council, on being advised by the Municipal Services Committee that any existing sewer pipe, drain, or connection to the Municipality's public sewer has not been constructed and maintained in accordance with the provisions of this by-law and to specifications contained in this by-law whereby the same constitutes a health hazard to the occupants of any building or to other persons or is likely to damage the Municipal Sewage System or any central sewage disposal system owned, operated and maintained by the Municipality may direct that any matter or thing shall be done by any person to rectify the situation, and such Council or Municipal Services Committee so authorized by resolution of Council, may give 30 days notice to the person so directed and in default of it being done by the person so directed, cause such matter or thing to be done, at the expense of the person in default, and may recover the expense thereof with costs from such person as a debt due to the Municipality by action commenced by the Municipal Clerk.

(b) Any person who violates any provision of this By-Law is guilty of an offence and is liable, upon conviction, to a penalty prescribed by the Summary Proceedings Act.

(c) Notwithstanding all of the above, an alternative remedy, in the case of an alleged contravention of the provisions of this By-Law, open to Council is to direct the Municipal 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.

PART G - ACCOUNTS

The Municipal Clerk shall keep a separate account of all monies due for the Municipal sewage - System, which account shall contain;

(a) the names of the owners liable for a construction sewage charge and user fee and the name of the sewer with respect to which such construction sewer charge and use fee arose;

(b) the amount of construction sewage charge and user fee due with respect to each owner;

(c) the amount of sewage charge and user fee paid with respect to each property;

(d) the number of equivalent units each owner has been assessed.

THIS IS TO CERTIFY that the resolution of which the foregoing is a true copy was duly passed at the general meeting of the Municipal Council of the Municipality of the District of St. Mary's, duly held on the 12 day of FEBRUARY, 1991.

GIVEN under the hands of the Warden and Municipal Clerk and under the Corporate Seal of the said Municipality this the 12 day of FEBRUARY, 1991.

Edison Sutherland
Warden

Alan MacLennan
Municipal Clerk

APPENDIX "A"

| Type of Use | Estimated Average Daily flow in Imperial Gallons | Number of Equivalent Units |
|---------------------------------|--|----------------------------|
| Public School | Lump sum annual charge in lieu | |
| Apartment | 200 | 1 |
| Office & Govn't Buildings | 20 (per employee) | See Note 1 below |
| Church or Hall | 60 | 1 |
| Senior Citizen's Complex | 120 (per bed) | See Note 1 below |
| Nursing Home | 200 (per bed) | See Note 1 below |
| Hospital | 200 (per bed) | See Note 1 below |
| Campground | 50 (per site) | |
| Hotel/Motel with bath | 80 (per unit) | See Note 1 below |
| Hotel/Motel Housekeeping Unit | 100 (per unit) | See Note 1 below |
| Hotel without bath | 50 (per unit) | See Note 1 below |
| Laudromat | 85 (per washer) | See Note 1 below |
| Restaurant | 35 (per seat) | See Note 1 below |
| Takeout | 20 (per unit) | See Note 1 below |
| Service Station & Govn't Garage | 60 (per employee) | See Note 1 below |
| Commercial (Store etc) | 200 | 1 |

Note 1 Total flows for this use shall be calculated based on the flow given times and appropriate number of employees, apartments, beds, sites, units, washers, or seats depending on the type of use. The number of equivalent units is calculated by dividing the above total flow by 200. When the number of units calculated is less than one (1) at any single location, the number of equivalent units assigned to that location shall be one (1).

1990 Capital Cost Construction Units - Public Sanitary
Sewer Construction - West Side, Sherbrooke

Definition and number of Capital Cost Construction Units for approval of Council as recommended by the Municipal Services Committee in accordance with section 1(d) of Part C of the Sewer By-Law.

1.33 Units = a lot with 100' of frontage or less.

2.00 Units = a lot with 101' to 150' of frontage.

2.80 Units = a lot with over 150' of frontage.

59.31 Units - Total Units

1990 Capital Cost Units - STP Upgrading
East & West Side, Sherbrooke

For Approval of Council as recommended by Municipal Services
Committee in accordance with section 1 (c) of Part C of the
Sewer By-Law.

| | | |
|-----------|---|----------------|
| East Side | - | 208.60 Units * |
| West Side | - | 48.95 Units |
| | | <hr/> |
| | | 257.55 Units |
| | | <hr/> |

* Equivalent units as defined in section 1 (g) of
Part C of the Sewer By-Law.