



POLICY 10-2026

PRIVATE SEWAGE SYSTEMS AND MUNICIPAL WASTEWATER UTILITY POLICY

BACKGROUND

The purpose of this Policy is to establish a clear distinction between privately owned sewage disposal systems and the Municipality's public wastewater utility.

This Policy is intended to ensure that privately owned on-site sewage disposal systems, including septic tanks, disposal fields, holding tanks, private pumping systems and associated infrastructure, do not become assets, liabilities, operating responsibilities or financial obligations of the municipal wastewater utility unless expressly acquired or accepted by the Municipality through a formal decision of Council.

The Policy further ensures that revenues collected from users of the municipal wastewater utility are used for the operation, maintenance and capital requirements of the public wastewater system and are not used to subsidize privately owned sewage systems.

POLICY STATEMENT

The Municipality considers a private sewage disposal system to be the responsibility of the property owner whom the system serves.

A private sewage disposal system shall not be considered part of the municipal wastewater utility solely because:

- the property is located within the Municipality;
- municipal water service is provided to the property;
- municipal wastewater infrastructure exists elsewhere within the Municipality;
- municipal employees have inspected, assisted with or provided advice concerning the system;
- the Municipality has undertaken emergency work involving the system;
- municipal equipment has been used in connection with the system; or
- the Municipality has historically provided assistance relating to the system.

Unless expressly authorized by Council, the municipal wastewater utility shall not assume ownership, operation, maintenance, repair, replacement or financial responsibility for a private sewage disposal system.

DEFINITIONS

For the purposes of this Policy:

“Municipality” means the Local Government of Eastern Charlotte.

"Municipal Wastewater Utility" means the publicly owned wastewater collection, pumping, treatment and disposal infrastructure owned or operated by the Municipality and designated by the Municipality as part of its wastewater utility.

"Private Sewage System" means an on-site or privately owned system for the collection, treatment or disposal of sewage serving one or more properties that has not been formally accepted by the Municipality as part of the Municipal Wastewater Utility.

A Private Sewage System may include, without limitation:

- septic tanks;
- sewage holding tanks;
- disposal or leaching fields;
- private sewage treatment systems;
- private sewer mains;
- private pumping or lift stations;
- grinder pumps where ownership has not been assumed by the Municipality;
- force mains;
- distribution piping;
- treatment equipment;
- electrical and control equipment associated with a private system; and
- other privately owned sewage collection, treatment or disposal infrastructure.

"Owner" means the registered owner of the property served by a Private Sewage System and includes, where applicable, a condominium corporation, cooperative, business, institution or other legal entity responsible for the property or system.

OWNERSHIP & RESPONSIBILITIES

The owner of a Private Sewage System is solely responsible for the system, including its:

1. operation;
2. inspection;
3. pumping and cleaning;
4. maintenance;
5. repair;
6. replacement;
7. upgrading;
8. regulatory compliance;
9. electrical and energy costs;
10. environmental compliance; and
11. all costs associated with the system.

Nothing in this Policy transfers ownership or responsibility for a Private Sewage System to the Municipality.

EXCLUSION FROM THE MUNICIPAL WASTEWATER UTILITY

A Private Sewage System shall not form part of the Municipal Wastewater Utility unless the system has been formally acquired or accepted by the Municipality in accordance with Section 11 of this Policy.

Private Sewage Systems shall not be included in the Municipality's wastewater utility asset inventory, capital asset plan, preventative maintenance program or capital replacement program.

Private Sewage Systems shall not be treated as municipal wastewater infrastructure for purposes of calculating municipal utility operating or capital expenditures.

USE OF MUNICIPAL UTILITY REVENUES

Except where expressly authorized by Council and permitted by applicable legislation, wastewater utility revenues shall not be used to pay for the operation, maintenance, repair, replacement or upgrading of Private Sewage Systems.

Without limiting the foregoing, wastewater utility funds shall not normally be used for:

- septic tank pumping;
- replacement of septic tanks;
- replacement or repair of disposal fields;
- maintenance or replacement of private pumps;
- private sewer line repairs;
- electrical costs associated with private systems;
- engineering or design of private sewage systems;
- regulatory approval costs associated with private systems; or
- capital improvements to privately owned sewage infrastructure.

This provision is intended to protect municipal wastewater utility customers from subsidizing infrastructure that does not form part of the public wastewater utility.

REGULATORY RESPONSIBILITY

Owners of Private Sewage Systems are responsible for obtaining all permits, approvals, inspections and authorizations required by provincial or federal legislation.

Nothing in this Policy shall be interpreted as transferring to the Municipality a regulatory responsibility assigned by legislation to the Province of New Brunswick or another regulatory authority.

Municipal involvement with a Private Sewage System does not constitute certification or representation by the Municipality that the system complies with applicable legislation, regulations, standards or approvals.

CONNECTION TO MUNICIPAL WASTEWATER SERVICES

Where municipal wastewater service becomes available to a property served by a Private Sewage System, connection to the municipal system shall be governed by applicable municipal by-laws, policies, development agreements and provincial legislation.

Where connection is required, the property owner shall be responsible for costs assigned to the owner under the applicable municipal by-law or policy.

Following connection, the existing Private Sewage System shall be abandoned, decommissioned or otherwise dealt with in accordance with applicable provincial requirements and municipal requirements.

The existence of a Private Sewage System does not create an entitlement to municipal wastewater service, nor does this Policy obligate the Municipality to extend wastewater infrastructure to a property.

PRIVATE OR COMMUNAL SYSTEMS SERVING MULTIPLE PROPERTIES

A sewage collection or treatment system serving multiple properties shall not be considered a municipal wastewater system merely because it serves more than one property.

Unless formally assumed by the Municipality, a privately developed communal sewage system remains the responsibility of its owners or the legal entity established to operate it.

As a condition of development approval, the Municipality may require appropriate arrangements for the long-term ownership, operation, maintenance, replacement and financial sustainability of such a system.

EXCEPTIONS

Council may approve an exception to this Policy where Council determines that doing so is in the public interest and is permitted by applicable legislation.

Any exception should clearly identify:

- the property or infrastructure involved;
- the nature and duration of municipal involvement;
- the source of funding;
- responsibility for future maintenance and capital replacement; and
- whether ownership of any infrastructure is being transferred to the Municipality.

An exception shall not establish a precedent requiring the Municipality to provide the same service to other privately owned sewage systems.

NO IMPLIED MUNICIPAL RESPONSIBILITY

No action or omission by a municipal employee, contractor, official or Council member shall be interpreted as the Municipality accepting ownership or responsibility for a Private Sewage System unless that acceptance has been formally authorized in accordance with this Policy.

Temporary assistance, emergency intervention, inspection, technical advice or historical maintenance shall not, by itself, convert a Private Sewage System into a municipal asset.

CONFLICT WITH LEGISLATION OR BY-LAWS

Where this Policy conflicts with applicable federal or provincial legislation or a municipal by-law, the legislation or by-law shall prevail.

Nothing in this Policy limits any authority or obligation imposed upon the Municipality by the Local Governance Act, Public Health Act, Clean Environment Act or other applicable legislation.

POLICY DETAILS & AUTHORITY

Private Sewage Systems 10-2026

Reviewed by Committee in September & October.

This policy was adopted by Resolution of Council on October 21, 2026.

ADDEDENDUM

The septic systems for the following properties shall remain part of the wastewater utility for Blacks Harbour:

40 Farm Road	PID# 15145196	Communal Septic System
48 Farm Road	PID# 15145188	Communal Septic System
51 Farm Road	PID# 15145162	Communal Septic System
54 Farm Road	PID# 15145170	Communal Septic System
97 Farm Road	PID# 01234533	Private, Solo-Use Septic System
11 Meadow Lane	PID# 01226562	Private, Solo-Use Septic System
12 Meadow Lane	PID# 01220789	Private, Solo-Use Septic System
100 Nason Street	PID# 01229723	Private, Solo-Use Septic System

Note: the Communal Septic System is found on property PID# 15210248

Properties served by septic systems for which the Municipality retains responsibility shall be subject to the applicable annual wastewater rate established for Blacks Harbour.

Where a property is served by a private, single-property septic system, the property owner may request to assume full ownership and responsibility for the septic system located on their property. To initiate this process, the property owner shall submit a written Letter of Request to the Municipality confirming their willingness to accept full ownership of the system and all associated present and future responsibilities, liabilities and costs, including its operation, inspection, care, maintenance, pumping, repair, replacement and regulatory compliance.

The Letter of Request shall be presented to Council for consideration and approval. Council shall retain the discretion to approve or deny the request and may impose such conditions as it considers appropriate.

Upon Council approval, the Chief Administrative Officer (CAO) shall provide written confirmation to the property owner that responsibility for the septic system has been transferred to the property owner. Effective on the date specified in the approval, the Municipality shall have no further responsibility or financial liability for the operation, maintenance, repair or replacement of the private septic system.

Once the transfer of responsibility has taken effect, the property shall no longer be subject to the annual Blacks Harbour wastewater rate, provided that the property is not otherwise connected to or receiving services from the municipal wastewater system.

Acceptance of ownership and responsibility by the property owner shall be permanent unless Council subsequently approves otherwise. Any future costs associated with the private septic system shall be the sole responsibility of the property owner.