

TOWN OF SHELBURNE
PUBLIC SEWER BY-LAW

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BEING A BY-LAW regulating the use of public and private sewers, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof.

PART ONE
SHORT TITLE AND DEFINITIONS

- Short Title 1. This By-Law shall be known as and may be cited as the “Public Sewer By-Law”.
- Definitions 2. Unless the context specifically states otherwise, the meaning of terms used in this By-Law shall be as follows:
- (a) “Building Sewer” shall mean a sewer which is located on private property and which connects the building drainage system or the building sanitary conveniences to the sanitary sewer, storm sewer or combined sewer or other place of disposal.
 - (b) “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.
 - (c) “Inspector” shall mean any sanitary inspector, or any person who is authorized or designated by the Town of Shelburne to carry out inspections or investigations on behalf of the Town of Shelburne as may be required under this By-Law.
 - (d) “Council” shall mean the Council of the Town of Shelburne.
 - (e) “Town” shall mean the duly elected officials of the Town of Shelburne acting in Council.
 - (f) “Natural Outlet” shall mean any outlet into a ravine, gulch, watercourse or the bed thereof, whether the same usually contains water or not, or any stream, river, creek, ditch, lake or other body of surface or groundwater.
 - (g) “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 substance to the 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.
 - (h) “Public Sewer” shall mean sewer which is located on public property and which is owned and maintained by the Town of Shelburne.
 - (i) “Sanitary Sewage” shall mean water carried wastes from the sanitary conveniences of residences, commercial buildings or premises, institutions, commercial buildings or premises, institutions, and industrial establishments, but excluding storm sewage as hereinafter defined.
 - (j) “Sanitary Sewer” shall mean a sewer which carries sanitary sewage, as defined hereafter, and to which storm, surface, and ground water are not intentionally admitted.

- (k) "Sewer" and "Sewage Works" shall mean all sewers, sewer systems, sewage pumping stations, sewage treatment plants, and other works for the collection, acceptance, transmission, treatment, and disposal of sewage or for any one or more of them.
- (l) "Sludge" shall mean any discharge of sewage which in concentration of any given constituent or in quantity of flow exceeds more than five times the average 24-hour concentration or flow for a period in excess of fifteen minutes.
- (m) "Storm Sewage" shall mean ground, surface, and storm waters which are unpolluted other than by their contact with the natural environment, and industrial cooling water and unpolluted process water.
- (n) "Storm Sewer" shall mean a sewer which carries storm and surface waters, industrial cooling water, or unpolluted process waters, but excludes sanitary sewage.

PART TWO

PETITION AND COMMITTEE

By-Law applies to all sewers

3. When the Council deems it necessary that a sewer be constructed in any area or any portion of the Town, the Council may order by resolution such sewer to be constructed and all provisions of the By-Laws relating to and regulating the use of Public sewers in force in the Town be and are hereby made applicable to any sewer constructed by virtue of such resolution.

Construction, repair and maintenance of sewer

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

Inspector's Duty

5. The Inspector shall have the duty of making an annual report to the Council concerning the operation, installation and maintenance of all public sewers.

PART THREE

THE REQUIRED USE OF PUBLIC SEWERS

Unlawful to
deposit waste

6. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the said Town, any human or animal excrement, garbage, or other objectionable waste.

Unlawful to
discharge natural
outlet

7. It shall be unlawful to discharge any natural outlet within the Town, or in any area under the jurisdiction of the said Town, any sewage or other polluted waters.

On-site sewage
prohibited

8. Except as hereinafter provided in Part Four, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Premises within
100 feet of street
must hook up

9. The owner of any dwelling house, shop, store, office or other building, the nearest part of which is not more than One Hundred (100') feet from any portion of the public sanitary or combined sewer of the Town, is hereby required, at his expense, to connect any facilities discharging sanitary sewage directly with the proper public sewer in accordance with the provisions of this By-Law, within thirty (30) days after the date of the official notice so to do.

PART FOUR

PRIVATE SEWAGE DISPOSAL

Private disposal
system exception

10. Where a public sanitary or combined sewer is not available under the provisions of Part Five, the building sewer shall be connected to a private disposal system complying with the following provisions.

Permit

11. Before commencing of construction of a private sewage disposal system, the owner shall first obtain a permit from the Board of Health. The application for such permit shall be made on a form furnished by the Board of Health. The applicant shall supplement the permit application with any plans, specifications and any other information as is deemed necessary by the Board of Health.

Inspection

12. The Inspector shall be allowed to inspect the work at any stage of construction; and, in any event, the applicant for the permit shall notify the Board of Health when the work is ready for final inspection, and before any under-ground portions are covered. The Inspection shall be made within two weeks of the receipt of notice.

Compliance with regulation of the Department of Health

13. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations and requirements of the Department of Public Health of the Province of Nova Scotia, the Department of Environment of the Province of Nova Scotia, and the Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the lot does not comply with the Public Health Act of Nova Scotia and the regulations thereunder. No septic tank nor cesspool shall be permitted to discharge to any natural outlet.

No expense to the Town

14. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

Hook up to public sewer system

15. At such time as a public sewer becomes available to property served by a private sewage disposal system unless the Council otherwise orders, the building sewer shall be connected with the public sewer, in compliance with this By-Law, within thirty (30) days of notice by the Town, and upon further order of the Council, and septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and filled.

PART FIVE

BUILDING SEWERS AND CONNECTIONS

Permit

16. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the Inspector.

Safety measure during excavation

17. It shall be the duty of any person, firm, or corporation who constructs any private sewer or drain while excavating to securely protect the opening or excavation in a manner that protects the public as directed by the Inspector.

Classes of sewer permits

18. There shall be two classes of building sewer permits:

(a) For residential and commercial service;

and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a form furnished by the Inspector, which form shall have the context as given in Appendix "A" or Appendix "B" of this By-Law, as is applicable. The permit application shall be supplemented by any plans, specifications, and such other information and material required to determine whether the proposal meets the requirements of this By-law and any required provincial approvals and certificates.

- Cost of installation 19. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sewer for each Building 20. 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. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- Old building sewers 21. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector to meet all the requirements of this By-Law.
- Compliance with National Building Code 22. Size, slope, alignment, materials of construction of the building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing, backfilling the trench, and connection to the public sewer shall all conform to the requirements of a National Building Code in so far as the National Building Code relates to the installation of sewer systems.
- Elevation of building sewer 23. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carriage by such building drains shall be lifted by an approved means and discharged to the building sewer.
- Final Inspection 24. The person who originally made application for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The entire works shall be performed under the supervision of an inspector.
- Protection of public and restoration after excavation 25. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, walkways and other public property disturbed in the course of the work shall be restored and such restorations are to be satisfactory to the Inspector.

PART SIX

USE OF THE PUBLIC SEWERS

- No discharge in sanitary sewer 26. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, unpolluted cooling water or unpolluted industrial process waters to any sanitary sewer.
- No drainage in sewer trench 27. No person, firm, or corporation shall permit any pipe carrying sewage or surface water to discharge into any sewer trench.
- No damage to sewer 28. No person, firm or corporation shall injure, break or remove any portion of the public sewer system or its appurtenances.
- No deposit in Sewer system 29. No person, firm or corporation shall throw, or permit to be thrown or deposited in any sewer opening or receptacle connected with the public sewer system any garbage, offal, dead animals, bones, ashes, cinders, rags or any other material or thing excepting feces, urine and necessary toilet paper, household liquids.
- No sanitary sewage discharge 30. Sanitary sewage shall be discharged to such sewers as are specifically designated as sanitary sewers, except that no person shall discharge or cause to be discharged the following described substances, materials, waters or wastes:
- Exceptions
- (a) Sewage at a temperature in excess of sixty degrees (60) Celcius;
 - (b) Sewage containing any inflammable or explosive matter, and without limiting the generality of the foregoing, gasoline, benzene, naphtha, fuel oil, acetone or other solvents;
 - (c) Any quantity of matter capable of obstructing the flow in or interfering with the proper operation of any part of the sewage works, and without limiting the generality of the foregoing, any such quantity of ashes, cinders, garbage, sand, straw, mud, shavings, metal, glass, rags, feathers, plastic, wood, or cellulose;
 - (d) Sewage having a PH less than 5.5 or greater than 9.5 or which due to its nature or content, becomes less than 5.5 or greater than 9.5 during transmission to a sewage treatment plant;
 - (e) Sewage that may cause a nuisance, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, ammonia, trichlorethylene, sulphur dioxide, formaldehyde, chlorine, bromine, or pyridene, in such quantity that an offensive odor could emanate from the sewage works or could cause a nuisance;
 - (f) Sewage containing animal wastes and without limiting the generality of the foregoing, containing intestines, stomach casings, intestinal contents, hides, hooves, toenails, horns, bones or poultry heads or sewage containing hair, wool fur, feathers, paunch manure or fleshlings;

- (g) Sewage containing toxic or chemical pollutants in greater concentrations than is permitted by any authority having jurisdiction over the receiving waters.
- (h) Sewage which exerts or causes:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited, to sodium chloride and sodium sulphate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions)
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting “sludge” as defined herein.
- (i) The contents of septic tanks.
- (j) Radioactive materials except as may be permitted under the Atomic Energy Control Act, R.S.C. 1970, Chapter A19 and amendments thereto and regulations there under.
- (k) Storm runoff, sewage derived from the drainage of lands or roofs, water used for cooling purposes or any other unpolluted waste waters.
- (l) Without limiting any of the foregoing, no person shall discharge or cause to be discharged any waters or wastes containing substances which are not amenable to treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Powers of Town discharged

31. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers which waters contain in substance or possess the characteristics enumerated in Section 30 of this By-Law, the Town may do any or all of the following:
- (a) Reject the wastes;
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (c) Require control over the quantities and rates of discharge;
 - (d) Require payment to cover the added cost of handling and treating the wastes.

Approval of Town for treatment of sewage

32. If the Town requires the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town and subject to the requirements of all applicable codes, ordinances and laws.

Use of interceptors

33. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town they are necessary to the proper handling of liquid wastes containing grease in excessive amounts, or any

inflammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection.

Maintenance of treatment facilities

34. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously and satisfactorily in effective operation by the owner at his expense.

Installation of control manhole when required

35. When required by the Town, the owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. Manholes shall be installed by the owner at his expense, and shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Agreement between Town and Industrial concern

36. No statement contained in this Part shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern or institution whereby an industrial or institutional waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern.

PART SEVEN

FINANCES

Charge

37. Every owner of land which is serviced by a public sewer or is fronting on any street or highway within the Town, which street or highway has a sewer line installed as directed by Council pursuant to this By-Law shall pay to the Town an annual charge, known as the Sewer Service Charge, for both the construction and maintenance of such sewage works, and the operation of any sewer treatment facilities in the amount determined from time to time by the Council by By-Law. Such annual charge to be calculated based on the type of facility using the sewer in accordance with Appendix "C" attached hereto.

Rules applicable to unit charge

38. The following rules shall apply to the charges set forth in Section 37 hereof.

- (a) All properties, dwelling houses, shops, stores, offices, or other buildings, the nearest part of which is not more than One

Hundred (100') feet from any portion of the sewer line shall pay the charges hereinbefore set forth.

- (b) All properties situated at or near the upper end or termination of any such sewer shall pay the same rate as if the sewer were to pass in front of such properties for the entire length thereof.

Record of costs

39. An official appointed by the Council shall keep an account of the cost incurred installing, laying and constructing any sewer and on its completion, shall file in the office of the Town Clerk:

- (a) A certificate of the cost of the work, and the number of units;
- (b) A statement of the number of units, with the name of the owners thereof;
- (c) The sewer service charge shall be due and payable on the date for payment of general rates in each year.

Charge or tax to be
lien against property

40. Every charge or tax imposed under the provisions of this By-Law shall constitute a lien upon the real property as is provided for rate and taxes by Section 153 of Chapter 14 of the Revised Statutes of Nova Scotia, 1967, the Assessment Act, and shall be collectible in the same manner as rates and taxes on real property are collected, under the Assessment Act.

Privilege of
connecting to sewer

41. The Council may grant to any owner of property not liable to sewer charge, the privilege of connecting his premises with the sewer upon payment of the Sewer Charge, as provided for in this By-Law.

PART EIGHT

APPLICATION TO CONNECT

Fee

42. Any person requesting a permit, after the original sewer line has been installed, for connecting a building service connection with the public sewer shall pay a fee determined from time to time by the Council by By-Law.

Review by Inspector

(i) The construction and installation of any building service connection shall be conducted subject to the inspection and review by the Inspector and the specifications for labour and materials under which the public sewer was constructed are to be considered as part of the specifications for any such building service connection, modified, however, so as to be applicable to the building or buildings situate on the property to be served by such building service connection.

Canadian Plumbing
Code to apply

(ii) The "Canadian Plumbing Code, 1977" as published by the Associate Committee on the National Building Code, National Research Council of Canada, is hereby adopted as a part of this By-Law, attached hereto as Appendix "D".

- National Building Code to apply (iii) Building Service Connections must be in accordance with the requirements for Building Service Connections as provided for in the 1977 National Building Code.
- Public Highways Act to apply 43. All sewers and drains shall be constructed in accordance with the provisions of the Public Highways Act, Revised Statutes of Nova Scotia, 1967, Chapter 248, and amendments and regulations thereto, the said Act, amendments and regulations thereto shall apply to all streets, roads and highways within the meaning of the Public Highways Act.
- Locking of sewer connections 44. (i) Whenever any building sewer connection is abandoned, or is not done in accordance with this By-Law the owner shall effectively block up the connection at the property line so as to prevent sewage from backing up into the soil, or dirt being washed into the sewer.
(ii) Where the owner does not effectively block up a building sewer construction as required under the provisions of Subsection (i) within thirty (30) days from receipt of a notice from the Inspector, requiring him to do so, the Council may cause the same to be done and the cost of such work caused to be done by the Council may be recovered as a debt by the Town from the owner in an action in any court of competent jurisdiction.
- Appeal to Council 45. (a) Where under any provision of this By-Law approval or permission of the Inspector is required before any work or thing may be done, an appeal shall lie to the Council from the decision of the Inspector refusing to grant approval or permission, and the Council shall either direct the Inspector to grant the approval or permission, or uphold the decision of the Inspector.

PART NINE

POWERS AND AUTHORITY OF INSPECTORS

47. Inspectors of the Town shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this By-Law. Inspectors shall have no authority to inquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

PART TEN
PENALTIES

48. Any person found to be violating any provision of this By-Law shall be subject to prosecution, and upon conviction shall be subject to a fine not exceeding Two Hundred and Fifty Dollars (\$250.00) and in default of such payment may be imprisoned for a period not exceeding one month; excepting a violation of Section 7 of this By-Law whereby the penalty provided for violation of Section 7 is set forth in Section 176 of the Towns Act.

APPENDIX A

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

For the Town of Shelburne;

The undersigned, being the _____
(Owner, Owner's Agent)

of the property located at _____
does hereby request a permit to install and connect a building sewer to serve the _____ at said location.
(Residence, Commercial Building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer;

<u>Number</u>	<u>Fixture</u>	<u>Number</u>	<u>Fixture</u>
_____	Kitchen sinks	_____	Water Closets
_____	Lavatories	_____	Bath Tubs
_____	Laundry Tubs	_____	Showers
_____	Urinals		

Specify other fixtures _____
2. The maximum number of persons who will use the above fixtures is _____.
3. The name and address of the person or firm who will perform the proposed work is _____.
4. Plans and specifications for the proposed building sewer are attached hereto as Exhibit "A"

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of the Public Sewers By-Law of the Town of Shelburne; and of all other pertinent By-Laws or regulations that may be adopted in the future.
2. To notify the Town when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered,
3. To maintain the building sewer at no expense to the Town.

Date: _____ Signed: _____
(applicant)

(address of applicant)

Application approved and permit issued:

Date: _____ Signed: _____
(inspector)

APPENDIX B

INDUSTRIAL SEWER CONNECTION APPLICATION

To the Town of Shelburne:

The undersigned being the _____
(Owner, Lease, Tenant, etc.)

of the property located at _____
does hereby request a permit to _____

(Install, Use)
an industrial sewer connection serving the _____
(Name of the Company)

which Company is engaged in _____ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereto as Exhibit "B".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is _____.

In consideration of the granting of this permit the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Town.
2. To accept and abide by all provisions of the public sewers By-law of the Town of Shelburne, and of all other pertinent By-Laws or regulations that may be adopted in the future.
3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times, and at no expense to the Town,
4. To co-operate at all times with the Town and its representatives in their inspecting, sampling and study of the industrial wastes and by facilities provided for pretreatment.
5. To notify the Town immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

Date: _____

Signed: _____
(applicant)

(address of applicant)

Date: _____

Signed: _____
(inspector)

APPENDIX C

SCHEDULE OF USER FEES, SANITARY SEWAGE SYSTEM

<u>TYPE OF CONSUMER</u>	<u>UNIT VALUE</u>
For each beauty shop or barbershop in private home add	1.0
Doctor, Dentist office, Beauty Shop or Barber Shop	1.0
For each Doctor or Dentist office in private home add	1.0
Hospitals and homes with medical care facilities	
without laundry facilities per bed	0.5
with laundry facilities per bed	0.75
Hotels, Motels, and Tourist Cottages with housekeeping facilities;	
each room or unit	0.5
without housekeeping facilities;	
each room or unit	0.3
Individual apartment	1.0
Mobile Home	1.0
Rooming house, Boarding house, Convent, Institutional dormitory	
up to five beds	1.0
each additional bed	0.2
Schools per classroom without cafeteria or gym	1.0
with cafeteria or gym per classroom	1.5
with both cafeteria and gym per classroom	2.0
Senior Citizens Home, per unit	0.6
Single Family Dwelling	1.0
For private swimming pool connected to the sewer line add	1.0
Tourist Home with one bathroom	1.2
for each additional bathroom	0.3
Restaurants etc. are additional to above listing and are rated in accordance with this schedule	
Stores, banks, clubs, recreational facilities and places of business including Industrial premises (Sanitary Sewage Only)	
first washroom facility	1.0
each additional washroom facility	0.5

Tourist Trailer Park	
with hook-up facilities, per unit space	0.75
without hook-up facilities, per unit space	0.3
Cafeterias etc. are in addition to above listing and are rated in accordance with this schedule	
Churches, church halls, each washroom facility	0.3
Drive-In restaurant or Theatre with canteen	1.0
for each washroom facility add	1.0
for each additional washroom facility add	0.5
Laundromat	1.0
for each machine	0.5
for each carwash bay connected to sanitary sewer	3.0
Premises licensed by Nova Scotia Liquor Commission	1.0
Restaurants, snack bars and cafeterias	1.0
for each ten seats add	0.25
Restaurant, Lounge, Dining Room or Club	1.0
for each five seats add	0.25
Service Station;	
for each car wash bay connected to sanitary sewer	12.5