

VILLAGE OF LUMBY Bylaw No. 701, 2009

A bylaw to regulate the use of sanitary sewers in the Village of Lumby and to establish the rates, terms and conditions under which services may be given.

WHEREAS it is expedient that all real property within the Village, which is capable of being served by a sanitary sewer, should be so served and connected to the Sewer System;

AND WHEREAS it is necessary to impose charges for service connections and for sewer user fees where service connections have been installed;

NOW THEREFORE the Council of the Village of Lumby, in open meeting assembled, enacts as follows:

1. DEFINITIONS

In this Bylaw, unless the context otherwise requires, the following words and terms shall have the meanings hereinafter assigned to them:

"Bylaw Enforcement Officer" means a person appointed by the Village of Lumby Council to enforce the Village of Lumby Bylaws.

"Clerk" means the duly appointed municipal officer assigned the responsibility of corporate administration from time to time by Council, pursuant to the "Community Charter."

"Collector" means the duly appointed municipal officer assigned the responsibility of financial administration from time to time by Council, pursuant to the "Community Charter."

"Council" means the Council of the Village of Lumby.

"Dwelling" means any building(s) or structure(s) in which a person or persons either resides or occupies, including duplexes, triplex, apartment or suites.

"Noxious Waste" means injurious or harmful liquid or substance that may damage the sewer system.

"Office" means the Village of Lumby building located at 1775 Glencaird Street.

"Owner" shall be as defined in the "Community Charter" and shall include an agent duly authorized in writing by the owner.

"Person" shall, when necessary, mean and include natural persons of either sex, associations, corporations, bodies politic, partnerships, whether acting by

themselves or by a servant, agent, or employee, and the heirs, executors, administrators and assigns or other legal representative of such person to whom the context may apply according to law.

"Rate" means the sum of money to be paid by any owner of real property connected to the sanitary sewer system by means of a sanitary sewer drain and a service connection.

"Service Connection" means the sewer line extending from the sewer main to the property line of the property being serviced or about to be serviced.

"Sewer" means a pipe, including manholes and other appurtenances other than a service connection in the sewer system.

"Sewer Drain" means a pipe connecting a service connection and a building or structure and includes any manholes or inspection chambers required for the sole benefit of such sewer drain, whether installed on private property or not.

"Sewer System" means all sewerage works and all appurtenances thereto, including sewer mains, service connections, pumping stations, treatment plants, lagoons and sewer outfalls laid within any highway municipal right-of-way or easement.

"Superintendent" means the person appointed from time to time as the Superintendent of Public Works of the Village of Lumby.

"Village" means the Village of Lumby.

2. APPLICATION FOR SERVICE

- (a) The owner of every parcel of real property to which a service connection can be, or has been made, and upon which a building or structure is situated, shall connect such building or structure to the sewer system.
- (b) Where the owner(s) of any parcel of land in the Village which is required to be connected to the sewer system by this Bylaw, neglects, omits or refuses to comply with the provisions of this Bylaw, the Council may, by resolution, cause the owner to be served with a notice requiring him to comply with this Bylaw within sixty (60) days of receipt of such notice, then and in that event the owner shall be guilty of infraction of this Bylaw.
- (c) An application for a service connection must be completed prior to or at the time an application is being made for a building permit, if applicable. The application for a service connection must be approved by the Superintendent and Clerk prior to a building permit being issued.

3. APPLICATION FEES

- (a) No person shall connect any building or structure to a sewer system until they have, either in person or by their duly authorized agent, attended at the Office and completed an application and an agreement in the form prescribed by the Village. The applicant shall, in completing such form of application and agreement, provide true and accurate information as to all details called for therein, and any person providing false information in completing such application and agreement shall be guilty of an offence against this Bylaw.
- (b) At such time as the application and agreement is executed, the applicant shall pay a connection fee in accordance with the fees imposed for this purpose in Schedule "B" of this Bylaw.
- (c) The connection fee above referred to shall be deemed to be a charge for work or services done, and the provision(s) of Section 258 of the "Community Charter" shall apply.

4. SERVICE INSTALLATION

- (a) All sewer drains shall be designed using good engineering practises.
- (b) All sewer drains shall be constructed at the cost of the owner, and shall be of infiltration-proof material approved by the Superintendent, and shall include any inspection chamber leading from the "Wye" on the service connection to ground level. The internal diameter of any sewer drain shall be not less than 4 inches (100mm), but in the case of commercial dwellings and/or commercial buildings, and/or industrial buildings such internal diameter shall be determined by the Superintendent.
- (c) It shall be the duty of the owner, or of the Plumber or Contractor carrying out sewer drain work on behalf of such owner, to notify the Superintendent in writing as soon as the work for which a permit has been issued is ready for inspection, and no such sewer drain work shall be covered until it has been inspected and received the approval of the Superintendent.
- (d) Should the Superintendent find upon inspection that any sewer drain work is defective, or should such work be not ready for inspection after the Superintendent has received notification as required herein, the owner, Plumber or Contractor, as the case may be, shall file a further notice of inspection, together with the fee imposed in Schedule "A" to cover the cost of an extra inspection.

5. AUTHORIZATION

- (a) No person shall connect any plumbing facilities, drains or outlets of any kind to the sewer system until such connection has been approved by the Superintendent.
- (b) No person shall run roof water or connect any storm drain or sump into the sewer system.
- (c) The owner of any commercial or industrial building or structure shall not discharge into the sewer system any commercial waste of such nature as may, in the opinion of the Superintendent, prevent or impair the efficient operation of the sewer system or any part thereof.

5.1 Service Upgrading

- (a) The Village may, on its own initiative or on application of the owner of real property, provide a new service connection to a property and discontinue an existing service connection to a property.
- (b) Where a new service connection is provided, the owner of the property is required to connect to the new service connection and fulfil the obligations of the Bylaw at their own cost.
- (c) If the Village provides a new service connection on its own initiative, the Village will provide 30 days notice that a new service connection will be provided to a property, that the owner is required to connect to that new service connection and that the old service connection may be discontinued.
- (d) Within 15 days of the date of installation of a new service connection to a property, the owner of that property shall, at its own cost:
 - (i) connect all buildings, structures, manufactured homes, and anything else on the property that has an existing service connection, or is otherwise required to have a service connection, to that new service connection in a manner acceptable to the Superintendent;
 - (ii) provide satisfactory evidence to the Superintendent that the sewer drains and other elements of the sewer system on the property meet the requirements of this Bylaw and the current Plumbing Code; and
 - (iii) if necessary, upgrade the sewer drains and other elements of the sewer system on the property in order to satisfy the requirements of this Bylaw and the current Plumbing Code.
- (e) If the owner of the property to which a new service connection is provided has not satisfied the requirements of section 5(d) within the time period specified,

the Village may, at its sole discretion, and in addition to any other action or remedies under this Bylaw or at law;

- (i) further to section 16 and 17 of the Community Charter, as may be amended from time to time, enter onto the property and conduct the required works, at the owner's cost, which entry and work may also be conducted by the Village's officers, employees and authorized agents or contractors;
- (ii) allow the property owner to connect its existing sewer drains and other elements of the sewer system on the property to the new service connection on a temporary basis, as determined by the Village, upon provision of an indemnity to the Village further to section 5.1(f).
- (iii) allow the property owner to continue to use the old service connection on a temporary basis, as determined by the Village, upon provision of an indemnity to the Village further to section 5.1(f)
- (iv) do any combination of the above; or
- (v) do none of the above

With respect to 5 (e)(ii) and 5(e)(iii), the owner of the property shall provide an indemnity to the Village that the owner indemnifies and saves harmless the Village, its elected officials, officers and employees from any and all future damages or losses related to a back-up or other failure in the sewer system arising from or connected with, in whole or in part, the property's use of the sewer system, until such time that the property owner has satisfied the requirement of section 5(d).

- (f) If the owner of the property to which a new service connection has been provided has not satisfied the requirements of section 5(d), and the Village has discontinued the old service connection, the owner shall discontinue any use of the property which requires sewer service until such time that the property owner has satisfied the requirements of section 5(d).

6. DESIGN REQUIREMENTS FOR NON-RESIDENTIAL USERS CONNECTING TO THE MUNICIPAL SEWAGE SYSTEM

- (a) Where an owner or occupier of premises upon which an industrial or commercial activity is proposed or is carried on wishes to connect these premises to the sewer system they shall comply with subsection 6(c) herein.
- (b) Where an owner or occupier intends to expand an industrial or commercial activity so that the quantity, biochemical oxygen demand (B.O.D.), chemical oxygen demand (C.O.D.), total suspended solids (T.S.S.) concentration or

grease concentration of the sewage will be increased, they shall comply with subsection 6(c) herein.

- (c) Except as provided in subsection 6(d), the owner shall supply to the Superintendent plans and reports certified by a professional Engineer registered in the Province of British Columbia indicating:
 - (i) the proposed or existing development or addition, including flow schematic drawing;
 - (ii) the daily volumes and peak discharges;
 - (iii) the type of waste to be processed or discharged;
 - (iv) the anticipated B.O.D. and the amount of T.S.S. or grease;
 - (v) the Ph factor and temperature of the waste water;
 - (vi) the toxic chemicals contained in the waste water;
 - (vii) the proposed pre-treatment, including dimensions of the proposed facility;
 - (viii) the flow equalizing, screening and mixing facilities;
 - (ix) the location of the sampling manhole;
 - (x) the monitoring equipment;
 - (xi) any other information deemed necessary by the Superintendent, and
 - (xii) that it complies with Ministry of Environment regulations and guidelines.
- (d) The Superintendent may deal with the application and make a decision thereon with out the above information if in his opinion the nature of the application is such that a decision can be properly made without such information.
- (e) Grease and oil interceptors or filters shall be installed as close to the source of the material as practical and be provided upstream of the service connection on private property for all food preparation facilities including restaurants, canning operations, killing and processing facilities. Such interceptors or filters shall be so located as to be readily and easily accessible for cleaning and inspection. All interceptors should be maintained by the owner at their expense in a continuously efficient operation such that all provisions of this bylaw are complied with at all times.

- (f) Grease, oil and sand interceptors shall be installed as close to the source of the material as practical and be provided upstream of the service connection on private property for all vehicle repair, maintenance establishments, and service stations. Interceptors will be required for other types of industries or commercial establishments as appropriate for the proper handling of liquid waste containing grease in excessive amounts or any flammable wastes, sand, grit or harmful ingredients. Such interceptors or filters shall be so located as to be readily and easily accessible for cleaning and inspection. All interceptors should be maintained by the owner at their expense in a continuously efficient operation at all times.

7. PROHIBITIONS

- (a) No person shall do any work upon, or interfere in any way with the sewer system unless specifically authorized to do so in writing by the Superintendent.
- (b) Nothing in the Bylaw shall be construed to permit the connection of surface or ground water to the sewer system. The connection either directly or indirectly of roof leaders, foundation drains, sumps or any other collector of surface or ground water is not permitted. The owner of property who connects permits or causes to be connected, any storm or surface or ground water from his premises or property to the sewer shall be guilty of an infraction of this Bylaw and shall rectify at their expense.
- (c) Prohibited wastes - No person shall discharge or permit to be discharged into any pipe, main, conduit, manhole, street inlet, gutter or aperture draining into the sanitary sewer system:
 - (i) Any gasoline, benzene, naphtha, alcohol, fuel, oil, solvents, acetone or flammable or explosive liquid, solid or gas.
 - (ii) Any pesticides, insecticides, herbicides or fungicides save and except chemicals contained in storm water emanating from trees or vegetation treated in accordance with the Integrated Pest Management Act [SBC 2003] CHAPTER 58 and regulations.
 - (iii) Any corrosive, noxious or malodorous gas, liquid, or substance which either alone or by interaction with other wastes, is capable of:
 - 1/ creating a public nuisance or hazard to life;
 - 2/ preventing human entry into a sewer or pump station; or,
 - 3/ causing damage to the sewer system.

- (iv) Radioactive material - except within such limits as are permitted by license issued by the Atomic Energy of Canada Limited.
- (v) Any material from a cesspool.
- (vi) Any solid or viscous substance capable of obstructing wastewater flow or interfering with the operation of the sewerage system or treatment facilities. These substances include but are not limited to ashes, cinders, grit, sand, mud, straw, grass clippings, insoluble shavings, metal, glass, rags, feathers, tar, asphalt, creosote, plastics, wood, animal paunch contents, offal, blood, bones, meat trimmings and waste, fish or fowl head, shrimp, crab or clam shells, fish scales, entrails, lard, mushrooms, tallow, baking dough, chemical residues, cannery or wine waste, bulk solids, hair and fleshings, spent grain and hops, whole or ground food or beverage containers, garbage, paint residues, cat box litter, slurries of concrete, cement, lime or mortar.
- (vii) Any storm water or uncontaminated wastewater into the sanitary sewer system.
- (viii) Any waste, liquid or material classified as a "Special Waste" pursuant to the provisions of the ENVIRONMENTAL MANAGEMENT ACT [SBC 2003] CHAPTER 53 and amendments thereto.

8. DEMOLITION OF BUILDINGS

- (a) When a building or structure within the Village is removed or demolished, it shall be the duty of the owner or his agent to immediately apply to the Village office for a permit to disconnect from the sewer system, at the property line. The Superintendent shall then cause such disconnection to be made and forthwith plug the said disconnection at the property line. The fee for such disconnection shall be the fee as imposed in Schedule "A".

9. STOPPAGES

- (a) (i) In the event of blockages, or other condition which causes the interruption in the service connection, repairs shall be the responsibility of the consumer. If the consumer feels that such conditions are present in the Village's connection pipe, and not in the consumer's service connection, he shall deposit with the Village a sum of money equal to the Superintendent's estimate of the cost of excavation and backfilling required, or sign a form of responsibility pursuant to this clause.
- (ii) In the event that the Village's connection pipe is faulty and is the cause of the consumer's complaint, the Village shall repair such faults and return the deposit to the consumer. If there is no fault found in the Village's

connection pipe, the consumer shall forfeit that portion of the deposit in the amount equal to the actual cost of the work, any surplus being returned to the consumer. The consumer shall have the right to inspect the site of the excavation by the Village and satisfy themselves as to the condition of the service connection.

- (b) Should any sewer drain become stopped or otherwise damaged and should the owner fail to take the necessary steps to clear the stoppage or repair the damage, the Superintendent may take such steps as he may consider necessary to unstop the sewer drain or repair the damage and the cost of this work shall be deemed to be a charge for work or services done, and the provision(s) of Section 258 of the Community Charter shall apply.

10. SEPTIC TANKS AND TRUCK WASTE

- (a) Where, in the opinion of the Superintendent, a service connection is incapable of serving a parcel of land, no permit will be issued and no such connection allowed; however, an adequate septic tank service may be installed to conform with the Subdivision Control Bylaw of the Village. The septic tank service may be used until such time as it becomes a hazard in the opinion of the Public Health Inspector, or an adequate service is provided.
- (b) No person shall discharge or allow or cause to be discharged into a sewer or a sewage facility any trucked waste unless:
 - (i) they have with respect to the trucked waste outlined from Council or the Chief Administrative Officer an authorization; and
 - (ii) the discharge of the trucked waste is conducted at the sewage facilities specifically set out in the authorization and strictly in accordance with this bylaw.

11. ACCESS

- (a) The owner of any building connected to the sewer system shall, at all reasonable times, allow, suffer and permit the Superintendent, or any person authorized by him for such purpose, to enter into and upon the owner's land and premises for the purpose of inspecting the sewer drains and all apparatus used in connection with the sewer system.

12. RATES

- (a) There shall be charged against the owner of real property, where a sewer or drain connection has been installed to such property, and where plumbing is installed on the premises located on such property and is connected to the sewer system, a sewer user fee as set forth in Schedule "A" of this Bylaw.

- (b) Where multiple independent users exist in what is commonly referred to as Common Connection Line, the individual rates as defined in Schedule "A" of this Bylaw shall be applicable whether or not an independent sewer or drain has been installed to the property.

13. BILLINGS

- (a) Every customer shall pay the applicable base fee and rates enumerated in Schedule "B" of this bylaw.
- (b) Every customer shall pay the rates set out in Schedule "B" four times yearly; provided that in case of a new application for sewer service, the applicant shall be allowed a reduction in rates for the then current year based on the part of such billing period which has expired at the date of application. Council by resolution may vary the billing periods set out herein.
- (c) Any monthly rate remaining unpaid after 30 days shall be subject to a 10% penalty.
- (d) Property owners shall be billed directly, unless they authorize the Village in writing to invoice tenants provided that the owner remains responsible for the payment of rates and penalties.
- (e) The following Home Occupations shall be billed additional sewer rates, in accordance with Schedule "B" attached hereto and forming part of this bylaw, upon approval of a Village of Lumby Business License:
 - (i) Hairdressers, Salon/Spa/Beauty Services, Health services, Daycares, Catering/Food and /or Food Preparation Services, and other like classifications not hereinbefore listed at the discretion of the Director of Financial Services.
- (f) Basement suites whether legal or not shall be considered as a dwelling for purposes of determining user fees pursuant to Schedule "B". By virtue of the Village invoicing an illegal suite does not therein indicate that the Village has deemed the suite legal.

14. UNPAID BILLINGS

- (a) Any charges authorized by this Bylaw, which remain unpaid on December 31st in the year in which they were imposed, shall form a charge or lien upon the land or real property upon or in respect of which the same is imposed, and the provision(s) of Section 258 of the Community Charter shall apply

15. VACANT LAND

- (a) No levy for sewer user fees shall be made in respect of any vacant or unoccupied premises where water service to the property has been discontinued, except any parcel, frontage or ad velorem tax that the Council for the Village may from time to time impose for sewer purposes.

16. INTERRUPTION OF SERVICE

- (a) The Village shall not be liable for any interruption in or discontinuance of the sewer system whether the fault or neglect is of the Village, or its servants, agents or employees.

17. SEVERABILITY

- (a) The provisions of this Bylaw shall be severable. If any provisions of this Bylaw are for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

18. PENALTIES

- (a) Every person who violates any of the provisions of his bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offence, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.
- (b) The fines and penalties payable in respect of a breach of this bylaw are set out in Schedule "B", attached hereto and forming part of this bylaw.

19. DESIGNATION OF BYLAW ENFORCEMENT OFFICER

- (a) For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following:
 - i) Bylaw Enforcement Officer for the Village
 - ii) Superintendent for the Village or his designate

20. OTHER

- (a) That this bylaw comes into effect on January 1, 2010.
- (b) That the "Lumby Sewer Rates and Regulations Bylaw No. 654, 2006" and any and all amendment bylaws thereto are hereby repealed.

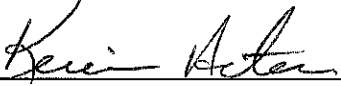
(c) That this bylaw be cited for all purposes as the "Lumby Sewer Rates and Regulations Bylaw No. 701, 2009".

READ A FIRST TIME this 7th day of December, 2009

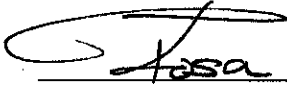
READ A SECOND TIME this 7th day of December, 2009

READ A THIRD TIME this 7th day of December, 2009

RECONSIDERED, FINNALLY READ AND ADOPTED this 21 day of December, 2009



Kevin Acton
Mayor



Frank Kosa
Chief Administrative Officer

Certified a true copy of the Lumby Sewer Rates and Regulations Bylaw No. 701, 2009, as adopted December

Frank Kosa
Chief Administrative Officer