

**CITY OF WINKLER**

**SEWER BY-LAW NO. 2229-19**

Being a By-law under the Municipal Act C.C.S.M. c. M225 to revise and consolidate certain By-laws relating to the operation and regulations of the Wastewater System and Land Drainage Works; the Fixing of Sewer Rates and the Billing and Collection thereof.

WHEREAS it is deemed expedient and in the public interest to: prevent, restrict, control and regulate discharges into the sewage system of the City of Winkler; provide for and regulate and control the preliminary treatment of discharges into the sewage system of the City of Winkler; and compel owners or occupants to construct and maintain certain works for the treatment of discharges, before such discharge into the sewage system of the City of Winkler.

NOW THEREFORE the Council of the City of Winkler enacts as follows:

A by-law regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of water and wastes into the public sewer system and;

preventing or restricting, controlling and regulating the discharge into any stream, watercourse, drain, sewer or sewage system of any deleterious matter, substance or thing, whether liquid or solid, that would be injurious to health, life, or property, or injure, pollute, or damage any stream, watercourse, drain, sewer, sewage system, or wastewater treatment facility, and;

providing for, any regulating and controlling, the preliminary treatment of any wastewater or other deleterious matter, substance, or thing, whether liquid or solid, before it is discharged into any stream, watercourse, drain, sewer or sewage system and;

compelling any owner or occupant of land to construct and properly maintain such works as the Council considers necessary to the proper treatment of any wastewater or other deleterious matter, substance or thing, whether liquid or solid, before it is discharged into any stream, watercourse, drain, sewer, or sewage system, and preventing any such discharge where such works have not been so constructed or are not so maintained and;

providing for the establishment of fees for services and for providing for penalties for violation of the By-law.



**"Bioassay"** means a method of determining toxic effects of industrial wastes and other wastewaters by using viable organisms;

**"Biochemical oxygen demand"** (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20°C. BOD is expressed in milligrams per litre (mg/L). The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods;

**"Body of water"** means any ditch, brook, creek, stream, river, lake, pond, stormwater retention basin, waterway, watercourse, canal, or other flowing or standing water;

**"Canadian Standards Association"** (CSA) means a Canadian, independent, national, international, and not-for-profit organization involved in standards development and the application of these standards through product certification, quality registration, and information products such as seminars and guidelines. CSA's focus is on improving public safety and helping manufacturers become more competitive in global markets. CSA was created by a federal government charter in 1919. CSA is that organization, or any successor organization, presently headquartered at 178 Rexdale Blvd., Etobicoke, Ontario, M9W 1R3;

**"City"** means the City of Winkler as incorporated under *The Municipal Act*;

**"Combined sewer"** means any sewer which is intended by design to carry both wastewater and land drainage;

**"Combustible gas meter"** means an instrument capable of determining a lower explosive limit;

**"Composite sample"** means a quantity of undiluted wastewater consisting of a minimum of 10 equal volumes of effluent, or flow proportional volumes collected over a 24-hour period, and may be collected manually or by means of an automatic sampling device;

**"Common sewer"** means any sewer of any description vested in or under the control of The City of Winkler but does not include interceptor sewers;

**"Conservation Department"** means the Department of the Province of Manitoba which licences, inspects and administrates the statutes and laws of the Province as they relate to public health, wastewater management and the environment.

**"Council"** means the Council of The City of Winkler;

**"Day"** means any 24-hour period;

**"Designated Officer"** means any person employed by City of Winkler who has the position of Designated Officer as recognized by the Designated Officer By-law, or any person acting under the delegated authority of such Designated Officer.

**"Effluent"** means treated wastewater flowing or pumped out of the wastewater treatment facility;

**"Fecal coliform"** means aerobic and facultative, Gram-negative, nonspore-forming, rod-shaped bacteria capable of growth at 44.5°C, and associated with fecal matter of warm-blooded animals;

**"five-day biochemical oxygen demand (BOD5)"** means that part of oxygen usually associated with biochemical oxidation of organic material within 5 days at a temperature of 20°C;

**"Five-day carbonaceous biochemical oxygen demand (CBOD5)"** means that part of the oxygen demand usually associated with biochemical oxidation of carbonaceous organic matter within 5 days at a temperature of 20°C, excluding BOD associated with nitrogenous organic matter;

**"Flash point"** means, in respect of a liquid, the lowest temperature during a closed cup test at which the liquid gives off vapour in such a concentration that when the vapour combines with air near the surface of the liquid a flammable mixture is formed;

**"Flooding"** means the flowing of water onto lands, other than waterways, due to the overtopping of a waterway or waterways;

**"Flood plain"** means any property subject to ponding or submergence by overland flow or elevated levels in any body of water including areas below the flood protection level elevations shown on the Flood Risk Maps for The City of Winkler.

**"Full day of operation"** means any 24 hour period, or a part thereof, that includes from start of production to completion of cleanup during which a discharge to the City sewer can occur. A discharge may be continuous or intermittent;

**"Gallon"** means Imperial Gallon;

**"Grab sample"** means a quantity of wastewater taken at a given place and time;

**"Hazardous waste"** means any substance or group of substances so designated by the regulations or conforming to criteria set out in regulations under *The Dangerous Goods Handling And Transportation Act* (Chapter D12 in the Continuing Consolidation of the Statutes of Manitoba);

**"Industrial use agreement"** means an agreement to discharge industrial wastewater to municipal wastewater collection and treatment systems;

**"Industrial Wastewater"** means wastewater derived from an industry which manufactures, handles or processes a product and does not include wastewater from commercial or residential buildings;

**"Interceptor"** means a receptacle that is installed to prevent natural and synthetic or petroleum oil and grease, sand, or other materials from passing into a drainage system;

**"Interceptor sewer"** means a sewer constructed solely to carry wastewater from common sewers to the treatment plants and to which owners of abutting properties have no right of connection unless special approval is formally granted in writing by the Sewer Utility;

**"Land drainage"** means storm, surface, overflow, subsurface, seepage water, or other drainage from land, but does not include wastewater;

**"Land drainage sewer"** means a sewer that carries land drainage;

**"Land drainage works"** means collectively, any private or public property involved in the conveyance, control, and disposal of land drainage. It may include, but not be limited to drains, ditches, swales, land drainage sewers, manholes, catch basins, stormwater retention basins, pumping wells, pump stations, control weirs, and overflow structures;

**"Lot Grading By-law"** means The City of Winkler Lot Grading By-law as amended from time to time;

**"Lower explosive limit"** (LEL) means the lowest concentration of vapour or gas in air that will explode or burn when ignited;

**"Matter"** means any gaseous, liquid or solids;

**"MPN index"** means the most probable number of coliform organisms in a given volume of wastewater or effluent which, in accordance with statistical theory would yield the observed test result with the greatest frequency;

**"Natural oil and grease"** means fats, waxes, oils, and other relatively non-volatile substances from animal and vegetable sources. Natural oil and grease concentration is expressed in milligrams per litre (mg/L), and is determined as oil and grease in accordance with procedures contained in Standards Methods;

**"Normal wastewater"** means wastewater which has: (1) no greater than a five day biochemical oxygen demand of 300 milligrams per litre, and (2) which contains no

greater than 350 milligrams per litre total suspended solids, and which does not contain restricted materials prohibited in Schedule 'A' of this by-law.

**“Ordinary High Water Mark”** (O.H.W.M.) means the normal water level of any body of water within the City as determined in accordance with generally accepted survey practices;

**“Overstrength wastewater”** means any wastewater which has characteristics that exceed those characteristics defined in Schedule 'A' of this by-law.;

**“Owner”** means a person who is an owner of a freehold estate and includes a person who is the owner of such an estate jointly with another person, or a person who is registered under *The Condominium Act* as the owner, as defined in that Act, of a unit under that Act;

**“Pathological Waste”** means pathogenic or disease producing organisms that cause disease in the host organism by their parasite growth;

**“PCB Waste”** means poly chlorinated biphenyls;

**“Person”** means any person, firm, partnership, association, corporation, or company and shall also include any agent, worker, servant, or employee of such person, firm, partnership, association, corporation, or company;

**“Ph”** means the logarithm, to the base 10, of the reciprocal of the hydrogen ion concentration (moles per litre). pH describes quantitatively the acidity or basicity of a solution. pH shall be determined by one of the procedures outlined in Standard Methods;

**“Plumbing Inspector”** means the person appointed by the City to inspect service connections and/or the premise fixtures and connections in accordance with the latest specifications of the Manitoba Plumbing Code and bylaws of the City.

**“Premises”** means any land or building or both or any part thereof;

**“Private wastewater outfall”** means any sewer, excepting a land drainage sewer, which does not connect to the wastewater system of The City of Winkler;

**“Private land drainage outfall”** means any land drainage sewer which does not connect to the land drainage works of The City of Winkler;

**“Private wastewater disposal system”** means a system for wastewater treatment or disposal or both, including, but not limited to, septic tanks and disposal fields or pumpout tanks;

**“Properly shredded garbage”** means the wastes from the preparation, cooking, and dispensing of food or other manufacturing process that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in a sewer, with no particle greater than 15mm in any dimension;

**“Public Health Officer”** means the representative of Manitoba Sustainable Development or the Public Health Office;

**“Pumping well”** means any chamber, manhole, or other structure used for the installation of portable or temporary pumping equipment;

**“Quarter”** as a measure of time means three calendar months, or a period of time between two meter reading dates, and may commence on any day of any month;

**“Record drawings”** means engineering drawings complete with all dimensions which indicate all features of the Development as it has actually been built;

**“Riprap”** means small, broken stones or boulders placed compactly or irregularly on dykes or similar embankments for protection of earth surfaces against wave action or current;

**“Septic waste” or “Septage”** means wastewater from septic tanks or pumpout tanks or wastewater which may have a higher BOD or total suspended solids than average wastewater;

**“Sewer”** means a pipe or conduit that by design carries wastewater or land drainage, or both, and shall include common sewer, land drainage sewer, sewer connection, interceptor sewer, combined sewer, storm relief sewer, and wastewater sewer;

**“Sewer connection”** means any underground piping system that by design conveys wastewater, land drainage, rainwater, or other waste from any premises to a common sewer or interceptor sewer;

**“Sewer Utility”** means the system, works, plants, equipment, and service for the collection, transport, treatment, and disposal of wastewater, and when applicable shall extend to and include the Designated Officer and the management and employees of the City having delegated authority from the said Designated Officer to administer and enforce this By-law;

**“Sludge”** means accumulated solid material containing large amounts of entrained water, which has separated from wastewater during processing;

**“Special sewer connection”** means a sewer connection installed by an applicant, that is totally private, and whose installation, repair, maintenance, and abandonment is the responsibility of the user;

**“Suspended Solids”** means insoluble solids that either float on the surface, or are in suspension in water or sewage and which are removable by laboratory filtration devices in accordance with procedures contained in Standard Methods;

**“Standard Methods for the Examination of Water and Wastewater” or “Standard Methods”** means the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation;

**“Storage cell”** means a cell of the wastewater treatment lagoon system which is a cell that receives partially treated wastewater or sludge and retains the wastewater or sludge for a period of time;

**“Storm relief sewer”** means a sewer constructed to provide relief capacity to existing land drainage, wastewater, or combined sewers when such sewers are loaded beyond their capacity;

**“Street”** means any public highway, lane, square, subway, bridge, wharf, thoroughfare or way or any part thereof;

**“Surcharge”** means the additional charge assessed over and above the uniform sewer service rate due to overstrength wastewater having characteristics which exceed any or all of the characteristics of normal wastewater;

**“Synthetic or petroleum oil and grease”** means waxes, oils, and other relatively non-volatile organic substances from petroleum sources. Synthetic or petroleum oil and grease concentration is expressed in milligrams per litre (mg/L), and is determined in accordance with procedures contained in Standard Methods;

**“Total purgeable hydrocarbons”** means the sum of all volatile hydrocarbon compounds with carbon numbers up to C<sub>10</sub>, and includes the volatile aromatics. Total purgeable hydrocarbons concentration is expressed in milligrams per litre (mg/L), and is determined by purge and trap gas chromatography or a method approved by the Sewer Utility;

**“Total residual chlorine”** means the sum of free chlorine and combined chlorine, including inorganic chloramines;

**“Total semivolatile hydrocarbons”** means the sum of all hydrocarbons with a carbon number from C<sub>11</sub> to C<sub>20</sub>. Total semivolatile hydrocarbons concentration is expressed in milligrams per litre (mg/L), and is determined by gas chromatography;

**"Total suspended solids"** (TSS) means materials that either float on the surface or are suspended in water or wastewater. Total suspended solids concentration is expressed in milligrams per litre (mg/L), and is determined as set forth in Standard Methods;

**"Toxic wastes"** means hazardous wastes which when they come in contact with a biological entity cause an adverse response;

**"User"** means any person, firm, partnership or corporation, or any trustee, manager, or other person either individually or jointly with others, owning or occupying any premise and shall also include any agent, workman, servant or employee of such person, firm, partnership or corporation;

**"UV"** means ultraviolet;

**"UV disinfection"** means a disinfection process for treating wastewater using ultraviolet radiation;

**"UV germicidal dose"** means the units of intensity of ultra violet light that is required to kill bacteria and viruses present in the effluent;

**"WAS"** means waste activated sludge;

**"Waste disposal facility"** means an area of land designated by a person, municipality, provincial government agency, or crown corporation for the disposal of waste and approved for use in accordance with Manitoba Regulation 37/2016 – Waste Management Facilities, or any future amendments thereto, or a Licence pursuant to The Environment Act;

**"Waste solid"** means a dissolved, suspended, or volatile substance that is contained in or removed from wastewater and that can no longer be used for its original purpose;

**"Wastewater"** means the spent or used water of a community or industry which contains dissolved and suspended matter;;

**"Wastewater sewer"** means a sewer that carries wastewater;

**"Wastewater collection system"** means the sewer and pumping system used for the collection and conveyance of domestic, commercial and industrial wastewater;;

**"Wastewater treatment facility"** means the wastewater treatment plant, wastewater treatment lagoon and all ancillary components, exclusive of the wastewater collection system;

**"Wastewater treatment lagoon"** means the components of this Development which consists of impoundments into which wastewater and sludge is discharged for treatment and storage;

**"Wastewater treatment plant"** means the central facility of wastewater treatment of the Development which contains all treatment processes exclusive of the wastewater collection system and the wastewater treatment lagoon;

**"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently;

**"Weeping tiles"** means a system installed for collecting or conveying subsurface or seepage water around a building;

**"Wet industry"** means an industry that generates manufacturing or processing wastewater but does not include an industry that generates only cooling process wastewater;

**"WWTF"** means wastewater treatment facility; and

**"WWTP"** means wastewater treatment plant.

## **PART 3        GENERAL**

### **3.1    Administration**

This By-law shall be administered by the *Designated Officer*.

### **3.2    Control of Sewers**

The *Sewer Utility* shall have the regulatory control of the *wastewater system* and the *land drainage works* in the *City* including, but not limited to, the approval of the design and construction of any *sewer, sewer connection*, and appurtenances, and shall regulate the building and repairs of same and all matters in connection with the *wastewater system* and the *land drainage works* in the *City* or within its control outside of the *City* limits.

### **3.3    Right of Entry**

With the consent of the *owner* or occupant, or subject to any provision of *The Municipal Act* permitting entry without permission, the *Sewer Utility* shall have authority to enter upon any *premises* for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this By-law. The *owner* or occupant shall find convenient time within 24 hours of verbal notice from the *Sewer Utility*.

### **3.4    Separate Sewer Areas**

The *City* may establish separate sewer areas. Within separate sewer areas, no *land drainage* shall be directed into any *wastewater sewer* by any *person*.

### **3.5    Use of Land Drainage or Wastewater**

No *person* shall withdraw or use *land drainage* from *land drainage works*, including, but not limited to, stormwater retention basins and drains, or *wastewater* from the *wastewater system*, all under the jurisdiction of the *City*, without the approval of the *Sewer Utility*.

### **3.6    Record Search**

Upon application, in a form provided by the *Sewer Utility*, and payment of the fee listed in the *City of Winkler's Fees & Charges By-law*, the *Sewer Utility* shall conduct a search of its records and provide advice in respect of specific properties regarding recorded By-law infractions, spills, outstanding inspections, and other details, including account histories, as may be allowed by *City by-law*.

### **3.7 Issuance of Permits and Licences**

No permit or licence shall be issued under this By-law except where:

- (a) the application has been approved by the *Sewer Utility*, and
- (b) the applicant has paid the appropriate fee for each application, permit, or license as listed in the City's Fees & Charges By-law.

### **3.8 Use of Public Sewers**

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property with the City of Winkler or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the City of Winkler or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, excepting where suitable treatment has been provided in accordance with subsequent provisions of this By-law.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (d) The owner of any houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, lane or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100 ft) of the property line.

## **PART 4 PRIVATE WASTEWATER DISPOSAL SYSTEMS**

### **4.1 Provincial Jurisdiction**

No statement contained in this article shall be construed to interfere with requirements that are imposed by Manitoba Sustainable Development, Onsite Wastewater Management Systems Regulation 83/2003 M.R. 60/2010.

### **4.2 Control of Site Sewage Disposal**

Where a public sanitary or combined sewer is not available under the provisions of Part 3.8 (d), the building sewer shall be connected to an on site sewage disposal system complying with the provisions of this part.

### **4.3 Issuance of Permits**

Before commencement of construction of an on-site sewage disposal system the owner shall first obtain a written permit signed by the Designated Officer. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the Designated Officer.

### **4.4 Inspection**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Designated Officer. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Designated Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Designated Officer.

### **4.5 System Design**

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health, except that no private sewage disposal system employing subsurface soil absorption shall be constructed after the date of the passage of this By-law. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

#### **4.6 Discontinuance of Use**

At such time as public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 3.8 (d), a direct connection shall be made to the public sewer in compliance with this By-law, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned out and filled with suitable material within five years.

#### **4.7 System Maintenance**

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

## PART 5 CONSTRUCTION AND APPROVAL

### 5.1 Approval

No *person* shall establish, enlarge, alter, or construct any *sewer, sewer connection, or land drainage works* within the *City*, whether on public or private property, without first submitting plans and specifications acceptable to the *Sewer Utility* for the proposed construction and securing the appropriate permit or licence from the *Sewer Utility*.

### 5.2 Buildings and Property to be Connected to Wastewater Sewer or Land Drainage Sewer

- (1) For any building and/or land used or designed for human habitation, employment, or recreation, or any building used for commercial or industrial purposes:
  - (a) Wherein *wastewater* is generated, shall be connected to the *wastewater sewer* where available. If no *wastewater sewer* is available, *wastewater* shall be connected to a *private wastewater disposal system* subject to conditions as herein provided.
  - (b) *Land drainage* shall be managed on site and discharged to a *land drainage sewer* where available or other *land drainage works* in a manner satisfactory to the *Sewer Utility*.

And all costs and expense incident to the installation and connection of the building sewer shall be borne by the user. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- (2) If a person having been duly required to connect any *premises* with a *common sewer* or to make any repairs, reconstruction, or replacement of an existing *sewer connection*, neglects or refuses to do so, the *Sewer Utility* may make such connection, repairs, reconstruction, or replacement. The cost thereof, when certified by the *Sewer Utility*, if not paid, shall be added to the taxes on the said property and collected as other municipal taxes of the *City*.
- (3) The *owner* of any building served by a *private wastewater outfall* connecting to a *body of water* shall, at the owner's expense, block the outfall to the satisfaction of the *Sewer Utility* and connect the building to the *wastewater system* of the *City*, or where in the opinion of the *Sewer Utility* it is not practicable to connect the building with the *City's wastewater system*, install a *private wastewater disposal system* in accordance with this By-law.

- (4) For a building served by a *private wastewater disposal system*, if and when the *City* plans for or constructs a *wastewater sewer* adjacent to such property, whether as a local improvement or otherwise, upon notification by the *Sewer Utility*, the *owner* shall at the owner's expense cause the building to be connected thereto within five years of such notification. Where the *Sewer Utility* finds the *private wastewater disposal system* defective in accordance with Part 4 of this By-law, the owner shall, at the owner's expense, cause the building to be connected to the *wastewater sewer* and shall remove or abandon the *private wastewater disposal system* to the satisfaction of the *Sewer Utility*.

### 5.3 Building Sewers and Connections

- (1) No person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City and paying all fees established by the City for such permits.
- (2) Application for Services Permit
  - (a) Supporting Documents – the application for a Services Permit shall be supplemented by any plans, specifications, or other information reasonably required by the *Sewer Utility* to ensure compatibility with the *Sewer Utility's wastewater system or land drainage works*.
  - (b) Where a property outside the local improvement district has never been charged an assessment for the construction of a *sewer* (except where the *sewer* was provided as the condition of a subdivision or other agreement) is connected to a *common sewer* within the *City*, a charge representing a contribution towards the *wastewater system* shall be made against the property in the amount and manner as set out in in the City's Fees & Charges By-law.
  - (c) An application fee, as listed in the City of Winkler's Fees & Charges By-law shall be payable at the time the application is made.
- (3) Restrictions on Sewer Connections to the Wastewater System
  - (a) Unless otherwise approved by the *Sewer Utility*, a single *sewer connection* to the *wastewater sewer* shall be provided for each property.
  - (b) The owners of multiple unit buildings, multiple buildings on one property, multiple storey/multiple family buildings, or detached

dwellings serviced by one *sewer connection* to the *common sewer* shall be jointly responsible for the operation, maintenance, repair, and abandonment of the *sewer connection*.

- (c) No building shall be erected or built over a *sewer connection*, nor shall a *sewer connection* be installed under a building, unless approved by the *Sewer Utility*.
- (4) Prohibitions – No *sewer connection* or above ground connection including pipes, hoses, trenches, or pumps shall be made to a manhole, catch basin, catch basin lead pipe, *common sewer*, *interceptor sewer*, or *storm relief sewer* unless approved by the *Sewer Utility*.
- (5) Agreement to Indemnify City – Any *person* who receives a Services Permit under this part shall hold the *City* harmless against loss or damage from overflow of water or *wastewater* backup from the *sewer* or other cause.
- (6) Services Permit for Sewer Connections May be Revoked – All permissions given to connect with a *sewer* shall be upon the express condition that the *Sewer Utility* may at any time revoke and annul the same and the *person* making such connections or their successors in interest shall have no claim against the *City* for damages in consequence of such permission being revoked or annulled.
- (7) Cost of Installation and Maintenance – The *owner* of the *premises* serviced is responsible for the cost of installation and maintenance, including replacement, of every *sewer connection* from the *premises* to the *common sewer*. In the event of a broken or shifted sewer connection or the penetration of roots from public boulevard trees the *City* will maintain that portion of the sewer connection from the property line to the common sewer.
- (8) Special Sewer Connections – Upon application by the *owner*, the *Sewer Utility* may approve a *special sewer connection* for properties not serviced by a fronting *common sewer* and may permit connection to an adjacent *wastewater sewer* or *interceptor sewer*, provided that the *owner* pre-pay the full cost equivalent to the current Special Frontage levy for installing a *sewer* over the actual frontage of the owner's property or such portion thereof as determined by the *Sewer Utility*. Upon written request by the *owner*, the *City* may amortize such obligations over a term of not less than 10 years, with interest, as in the case of an ordinary local improvement.

Where a *special sewer connection* is approved by the *Sewer Utility* or where connection to an *interceptor sewer* is approved by the *Sewer Utility*.

- (a) the *City* shall not be responsible for paying any cost of installing, maintaining, repairing, or abandoning the said *special sewer connection*.
- (b) the *owner* of any *premises* with a *special sewer connection* shall indemnify the *City* against any damage, loss, or expense incurred by the *City* as a result of the construction, existence, or abandonment of the *special sewer connection*.
- (c) if and when the *City* plans for or constructs a *wastewater sewer* fronting such property, whether as a local improvement or otherwise, upon notification by the *Sewer Utility*, the *owner* shall pay the cost of and shall abandon the *special sewer connection* and connect to the *wastewater sewer* fronting on the property within 24 months of such notification.

#### **5.4 Plumbing Permits**

- (1) No plumbing connection or installation shall be made either under the *City street* or on private property without first applying for and obtaining a Plumbing Permit and having paid the appropriate fee as listed in the *City of Winkler's Fees & Charges By-law*.
- (2) The *City* may direct plumbing or other sanitary improvements to be made in any building or property. If a *person*, having been duly required to make such an improvement neglects or refuses to do so, the *Sewer Utility* may make such improvement. The cost thereof when certified by the *Sewer Utility*, if not paid, shall be added to the taxes on the said property and collected as other municipal taxes of the *City*.

#### **5.5 Regulations on Construction**

Any *sewer connection* shall be constructed and repaired in accordance with the conditions of this By-law and shall be subject to the inspection and approval of the *Sewer Utility*.

- (1) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining lane, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and whole considered as one building sewer. All such installations shall conform to the Manitoba Plumbing Code latest edition and a plumbing permit shall be obtained from the *City* prior to construction.

- (2) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Designated Officer, to meet all requirements of this Bylaw.
- (3) The size and slope of the building sewer shall be subject to the approval of the Designated Officer, but in no event shall the diameter be less than 100mm. The slope of such a 100mm pipe shall be not less than 2%, and the slope of a 150mm pipe shall not be less than 1%.
- (4) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within one (1) meter of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in a straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.
- (5) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall at the Users cost be lifted by approved artificial means and discharged to the building sewer or the public sewer. In such cases the building sewer diameter may be less than specified in Section 5.5.3.
- (6) Users shall construct a drain tile sump pit and pump system in accordance with the Manitoba Plumbing Code which shall be pumped onto the property of the user and be contained thereon until it directly reaches a public land drain.
- (7) All users shall install a back water device on that portion of the building drain which connects fixtures below the elevation of the adjacent street grade. All installations shall conform to the Manitoba Plumbing Code latest edition.
- (8) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Designated Officer. Pipe laying and backfill shall be performed in accordance with ASTM specifications, latest edition except that no backfill shall be placed until the work has been inspected.
- (9) All joints and connections shall be made gastight and watertight in accordance with the pipe manufacturer's latest specifications. Other jointing materials and methods may be used only by approval of the Designated Officer.

- (10) The connection of the building sewer into the public sewer shall be made with an approved saddle or tee. The user shall at his expense install a saddle or tee on the public sewer at the location specified by the Designated Officer or his designate. The connection shall not extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight. Special fittings may be used for the connection only when approved by the Designated Officer.
- (11) The applicant for the building sewer and or plumbing permits shall notify the Designated Officer when the building sewer or drain is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Designated Officer or his representative. Building sewer inspections which are made after the normal hours of work of the City will be made at a cost to the user, plumbing inspections maybe made after normal working hours at no additional fee to the user.
- (12) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Pavement, streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

## **PART 6**

## **CONTROL OF DISCHARGE TO SEWERS**

### **6.1 Preliminary Treatment**

The owner shall provide, at his expense, such preliminary treatment as may be necessary to;

- (a) reduce the Biochemical Oxygen Demand to 300 parts per million and the total suspended solids to 350 parts per million by weight, or
- (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 1.2, Schedule 'A'
- (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Designated Officer and of the Manitoba Sustainable Development, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

### **6.2 Interceptors**

Interceptors acceptable to the Designated Officer shall be installed by the User on all connections to the sewage system to intercept gasoline, grease, oil or grit in the wastewater where, in the opinion of the Designated Officer, they are necessary. Interceptors shall meet the following minimum specifications:

- (a) Interceptors shall be so designed that they will not become air bound and be so located as to be readily accessible for cleaning;
- (b) Grease or oil interceptors shall be of sufficient capacity to intercept all grease or oil likely to flow into them under normal conditions;
- (c) Interceptors for motor vehicle wash floors shall have a capacity sufficient to retain the sand or grit reaching them during any ten-hour period, but in no case shall the primary interceptor pit be less than 0.56 cubic meters to the invert of the overflow;
- (d) In the case of multiple interceptor pits in series, the primary interceptor pit shall be the last interceptor prior to release to the wastewater collection system;
- (e) Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and shall be of

substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight;

- (f) Interceptors shall be maintained by the User, at his expense, in continuously efficient operation at all times. The Designated Officer shall have the right to enter upon the Premises at anytime to inspect the operation of interceptors.

### **6.3 Sampling of Wastewater**

Except as otherwise specifically provided in this By-law, all tests, measurements, analyses and examinations of Wastewater, uncontaminated water and Land Drainage, their characteristics or contents shall be carried out in accordance with the latest edition of Standard Methods;

### **6.4 Sampling Facilities**

- (a) The owner or occupant of any premises with one or more connections to the Sewage System shall, when required by the Designated Officer, install and maintain in good repair in each connection a suitable control manhole to allow observation and sampling of the Wastewater and measurement of the flow of Wastewater therein, provided that where installation of a manhole is not possible, an alternative device or facility may be substituted if approved by the Designated Officer.
- (b) The manhole or alternate device shall be located on the property of the owner or occupant of the Premises, unless the Designated Officer gives written approval for a different location. In event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

### **6.5 Construction of Sampling Facility**

- (a) Every manhole, device or facility installed as required by Part 6.4 shall be designed and constructed in accordance with good engineering practice and the requirements of the Designated Officer, and shall be constructed and maintained by the owner or occupant of the Premises at his expense.
- (b) The owner or occupant of the Premises shall at all times ensure that every manhole, device or facility installed as required by Section 6.4 is at all times accessible for purposes of observing and sampling the Wastewater and measuring the flow of Wastewater therein.

## **6.6 Wastewater Monitoring**

The Designated Officer may require the owner or occupant of the Premises to install devices at no cost to the City to monitor Wastewater discharge flow rates, volumes, and characteristics to submit regular reports regarding the discharge flow rates, volumes, and characteristics to the Designated Officer.

## **6.7 Obligation to Give Notice**

- (a) Every person who discharges or deposits or causes or permits the discharge or deposit of Wastewater into or in a Land Drainage Sewer or Sewer System shall, if such discharge or deposit is not in the ordinary course of events, forthwith notify the Designated Officer.
  
- (b) Every person who discharges or deposits or causes or permits the discharge or deposit of uncontaminated water or Land Drainage into a Land Drainage Sewer or Body of Water shall, if such discharge or deposit is not in the ordinary cause of events, forthwith notify the Designated Officer.

## **PART 7            AGREEMENTS FOR NON-CONFORMING WASTEWATER**

### **7.1    Permission Required**

The discharge into the Sewage System of Wastewater containing Biochemical Oxygen Demand or Total Suspended Solids in excess of the limits described in Section 2 of Schedule A may be permitted without preliminary treatment provided the person who proposes to discharge such Wastewater, prior to any such discharge, applies to the City for permission to permit, cause or allow such discharge.

### **7.2    Application Requirements**

The application for permission referred to in Part 7.1 shall consist of:

- (a) a completed application in a letter form describing the cause and/or reason for discharge, intended preliminary treatment, monitoring and liabilities the user is to assume;
- (b) a completed waste survey report of the discharge quality and quantity showing all constituents and concentrations regulated by this By-law and other statutes;
- (c) such additional information and documentation as the City may require.

### **7.3    Calculation of Surcharge**

The City may grant such permission on such terms, conditions and considerations as it deems in the public interest in the construction, operation and maintenance of the Sewage System, including:

- (a)  $Sc = V \times (B \times R_B + S \times R_S + F \times R_F + X \times R_X)$  where:

$Sc$  = Surcharge in dollars for the billing period

$V$  = Volume of wastewater in thousands of imperial gallons, estimated as water consumption unless otherwise approved in an industrial wastewater agreement;

Where

$B$  = (Total BOD (in mg/L) – Bylaw Limit) / Bylaw Limit;

Where Total BOD = the average test values of BOD measured during the billing period and the Bylaw Limit for BOD = 300 mg/L

$S = (\text{Suspended Solids (TSS) (in mg/L)} - \text{Bylaw limit}) / \text{Bylaw Limit};$   
Where Suspended Solids = the average test values of Suspended Solids measured during the billing period and the Bylaw Limit for TSS = 350 mg/L

$F = (\text{Fat, Oil \& Grease (FOG) (in mg/L)} - \text{Bylaw Limit}) / \text{Bylaw Limit};$   
Where Fat, Oil & Grease = the average test values of the Fat, Oil and Grease measured during the billing period (in mg/L) and the Bylaw Limit for FOG = 100 mg/L

$X = (\text{Substance requiring treatment (in mg/L)} - \text{Substance Limit}) / \text{Substance Limit};$  where the Substance requiring treatment = the average test values of the Substance requiring treatment measured during the billing period

and where

$R_B = \text{BOD surcharge rate as defined in the City of Winkler's Fees \& Charges By-law}$

$R_S = \text{Suspended Solids surcharge rate as defined in the City of Winkler's Fees \& Charges By-law}$

$R_F = \text{Fat, Oil and Grease surcharge rate as defined in the City of Winkler's Fees \& Charges By-law}$

$R_X = \text{Surcharge rate of other limited substances as defined in the City of Winkler's Fees \& Charges By-law};$

- (b) permitted minimum and maximum characteristics;
- (c) quantity and rate of discharge;
- (d) payment by the applicant to the City of such amount as the City deems represents the costs of providing facilities to convey and treat such Wastewater; and
- (e) for the purpose of determining TSS, BOD, Phosphorous, FOG and other limited concentrations for Part 7.3 (a), the Designated Officer shall take grab samples of the users wastewater over a number of days, the number of which shall be determined by the Designated Officer for each quarter. The grab samples shall be averaged to determine the quarterly concentrations for any/all water quality limits, as defined in Schedule A.

#### **7.4 Termination of Agreements**

The permission granted pursuant to the preceding subsections may be reviewed by the City and may be suspended or cancelled by the City without notice to the applicant and without restricting the generality of the foregoing power of suspension or cancellation, by reason of the breach of or failure to comply with any term or condition on which the permission was granted.

### **PART 8 PROTECTION FROM DAMAGE**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the City sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

### **PART 9 POWERS & AUTHORITY OF INSPECTORS**

The Designated Officer, Director of Planning & Engineering, Director of Operations, Utility Foreman, Meter Readers, Plumbing Inspectors, and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this By-law.

## PART 10

## ENFORCEMENT AND PENALTIES

### 10.1 Enforcement

The *Sewer Utility* may direct a *person* to remedy any condition that contravenes or fails to comply with this By-law. Where a person who has been given a notice, order or direction by the Designated Officer neglects or refuses to comply with such order or direction in the opinion of the Designated Officer within the time specified, the Designated Officer may cause the work to be carried out by the City and charge the cost of the work against the owner; and if unpaid, be collected in the same manner and with the like remedies as ordinary taxes on land and improvements which are collectible under The Municipal Act.

### 10.2 Sewer Utility May Turn Off Supply

The *Sewer Utility* may turn off the supply of water to any *premises*:

- (a) to prevent overloading of the sewer utility by volume, concentration or nature of non conforming wastewater;
- (b) to remedy an improper *sewer connection*;
- (c) to enforce the undertaking of repairs to a *sewer connection*;
- (d) to enforce payment of a delinquent account;

### 10.3 Offenses and Penalties

Any *person* who:

- (1) hinders or interrupts, or causes or procures to be hindered or interrupted the *Sewer Utility* or its servants, agents, contractors, workmen or any of them, in the exercise of the powers and authorities granted herein as to the *wastewater system, or land drainage works* or any part thereof; or
- (2) destroys, damages, or interferes with the operation of any part of the *wastewater system or land drainage works*, introduces into the *wastewater system or land drainage works* any thing or matter which causes, or is likely to cause, damage thereto; or
- (3) contravenes or disobeys, or refuses or neglects to obey any provision of this By-law for which no other penalty is herein provided

is guilty of an offense and liable on summary conviction, for each offense, to a fine not exceeding Five Hundred Dollars (\$500.00) and costs on conviction, or to imprisonment for a term not exceeding thirty (30) days, or to both such a fine and such an imprisonment and the person is also liable to an action at law, at the suit of the City, to make good any damage done by the person.

Where the contravention, refusal, neglect, omission or failure continues for more than one (1) day, the person is guilty of a separate offense for each day that it continues.

The above fines and penalties shall be in addition to any replacement and/or repair costs which the person has caused the Sewer Utility to suffer due to the person violating any of the provisions of this by-law.

**PART 11**

**REPEALS AND SEVERABILITY**

**11.1 Repeals**

All By-laws and By-law amendments passed prior hereto by The City of Winkler and still in force, relating to the regulation of the *Sewer Utility*, shall hereinafter cease to have effect and without limiting the generality of this Section, By-law 1764-03 and amendments thereto made from time to time, are hereby repealed.

**11.2 Severability**

If any provision of this By-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of this By-law shall not be invalidated.

**11.3 Schedules**

Schedules 'A', and 'B' hereto are hereby declared to be and to form part of this By-law and which Schedules may be amended from time to time by Resolution of City Council.

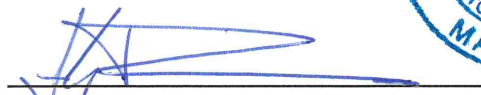
**11.4 Effective Date**

This By-law shall come into force and take effect October 22, 2019

**DONE AND PASSED** in Council assembled this 22<sup>nd</sup> day of October, 2019.



Mayor



City Manager

Read a first time this 8th day of October, 2019.

Read a second time this 22nd day of October, 2019.

Read a third time this 22nd day of October, 2019.

## SCHEDULE A

### USE OF THE PUBLIC SEWERS

#### 1.1 Restrictions

No person shall discharge or cause to be discharged any storm water, surface water, or roof run-off to any sanitary sewer, unless otherwise approved by the Designated Officer.

#### 1.2 Wastewater Quality Limits

(1) No person shall discharge or permit, cause or allow any discharge into the Sewage System any of the following:

(a) matter of any type or at any temperature or in any quantity which may be or may become harmful to the Sewage System, or which may cause the Sewage System effluent to contravene any requirement of The Environment Act or regulations thereunder, or which may cause the sludge from the Sewage System to fail to meet the Provincial Licensing criteria relating to spreading the sludge on agricultural lands, or which may impair or interfere with the Wastewater treatment process, or which may be or may become a hazard to any person, animal, property or vegetation, and;

(b) without limiting the generality of the foregoing, any of the following:

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

(ii) Except in the case of discharge into a Combined Sewer, water from drainage of roofs or land, water from a watercourse or uncontaminated water, or land drainage;

(iii) Wastewater or uncontaminated water at a temperature greater than 60 degrees Celsius;

(iv) Wastewater having a pH less than 5.5 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

- (v) Wastewater which consists of two or more separate liquid layers;
- (vi) Wastewater containing dyes or coloring material which may pass through a Sewage System and discolor the Sewage System effluent;
- (vii) Wastewater that may obstruct the Sewage System or flow therein;
- (viii) Wastewater containing any of the following, in excess of the indicated concentrations:

<u>Constituent</u>	<u>Concentration (mg/L)</u>
Chlorides expressed as Cl	1500
Total Sulphates expressed SO <sub>4</sub>	1500
Aluminum expressed as Al	50
Iron expressed as Fe	50
Fluorides expressed as F	10
Total Phosphorus expressed as P	10
Antimony expressed as Sb	5
Bismuth expressed as Bi	5
Total Chromium expressed as Cr	4
Cobalt expressed as Co	5
Manganese expressed as Mn	5
Molybdenum expressed as Mo	5
Selenium expressed as Se	1
Silver expressed as Ag	5
Tin expressed as Sn	5
Titanium expressed as Ti	5
Vanadium expressed as V	5
Cyanide (total) expressed as CN	2
Arsenic expressed as As	1
Cadmium expressed as Cd	0.7
Copper expressed as Cu	1
Lead expressed as Pb	1
Nickel expressed as Ni	1
Phenolic Compounds (Total by 4 AAP Method)	1
Zinc expressed as Zn	1
Mercury expressed as Hg	0.01

Total Nitrogen	60
Natural Oil & Grease	100
Mineral or Synthetic Oil & Grease	15
Total Dissolved Solids	1500

(ix) Wastewater containing any of the following in any amounts:

- Fuels
- Hazardous Wastes
- Pathological Wastes
- PCB Wastes
- Toxic Wastes

(c) Any garbage that has not been properly shredded.

(d) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grease, manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(e) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(2) No person shall discharge Wastewater containing in excess of 300 milligrams per litre of Biochemical Oxygen Demand or containing in excess of 350 milligrams per litre of Total Suspended Solids unless, prior to any such discharge, the person applies for and obtains permission of the City pursuant to Part 7.

(3) In determining whether the limit with respect to any matter prescribed in subsection (1) and (2) is contravened, any water that has been added for the purpose of enabling the limit to be met shall be disregarded for the purposes of calculating whether the limit has been met so that compliance with the limit cannot be attained by dilution.

(4) Subclause (1) (b) (i) does not apply to prevent the discharge of human waste.

### 1.3 Wastewater Quantity Limits

The admission into the public sewers of any wastes or waters having an average daily flow greater than 2% of the average daily sewage flow of the City, shall be

subject to the review and approval of the Designated Officer, or any found in violation of this by-law or schedules.

## SCHEDULE B

### DISCHARGES TO LAND DRAINAGE SEWERS & DITCHES

#### 1.1 Restrictions

No person shall discharge or permit, cause or allow any discharge into or in any Land Drainage Sewer or Body of Water, any of the following:

- (a) matter of any type or at any temperature or in any quantity which may:
  - (i) interfere with the proper operation of the Land Drainage Sewer;
  - (ii) obstruct a Land Drainage Sewer or the flow therein;
  - (iii) be or become a hazard to any person, animal, property or vegetation;
  - (iv) impair the quality of the water in any Body of Water;
  - (v) which may result in the contravention of an approval, requirement, direction, or other order under the Environmental Act with respect to the Land Drainage Sewer or its discharge; and
- (b) without limiting the generality of the foregoing any of the following matter:
  - (i) untreated sewage, septage or wastewater containing fecal coliforms;
  - (ii) uncontaminated water at a temperature greater than 65 degrees Celsius;
  - (iii) waste paints and waste organic solvents;
  - (iv) waste automotive or machine oils and waste greases;
  - (v) Pesticide Wastes;
  - (vi) water containing any of the following in excess of the indicated concentration:

<u>Constituent</u>	<u>Concentration (um/L)</u>
Arsenic expressed as As	100
Chromium expressed as Cr	100
Selenium expressed as Se	100

Phosphorus expressed as P	30
Zinc expressed as Zn	30
Lead expressed as Pb	25
Nickel expressed as Ni	25
Copper expressed as Cu	5
Cyanide (free) expressed as Cn	5
Phenolic compounds	1
Cadmium expressed as Cd	0.2
Mercury expressed as Hg	0.2
Silver expressed as Ag	0.1

## 1.2 Discharging to Land Drainage

Land Drainage from public, residential and commercial streets, parking areas and roof drains which discharges to a Land Drainage Sewer is exempt from the provisions of this section provided no matter prohibited by Section 1.1, Schedule 'B' has been added.

## 1.3 Flow Restrictions

The *Sewer Utility* may impose a flow restriction limit to control maximum discharge rates to any *sewer* or *body of water*. The construction or alteration of a device to restrict flow shall be approved by the *Sewer Utility*. The *owner*, at no expense to the *City*, shall construct, alter, and maintain the device in good working order. The *Sewer Utility* shall have the right to enter upon the *premises* in accordance with Part 3.3, to inspect the operation of the device to restrict flow.