

THE RURAL MUNICIPALITY OF ALEXANDER

BY-LAW NO. 06/05

PRIVATE WASTEWATER DISPOSAL SYSTEMS

Being a By-Law of the Rural Municipality of Alexander to regulate the disposal of sewage and sewage effluent.

WHEREAS subsection 232(1) of The Municipal Act, L.M. 1996, c.58-Chap. M225 (the "Act") provides in part as follows: 232(1) A Council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- (c) subject to section 233, activities or things in or on private property;
- (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;

AND WHEREAS Council desires to maintain the lands and water within the boundaries of the Rural Municipality of Alexander in a sanitary condition.

NOW THEREFORE the Council of the Rural Municipality of Alexander duly assembled enacts as follows:

1. In this By-Law the following terms have the following meanings:
 - (a) "Dwelling" means a building, house, camp, trailer or other accommodation that is used for human occupancy or to provide food, lodging or entertainment for a human being or human beings or used for commercial or industrial purposes;
 - (b) "Holding Tank" means a watertight receptacle designed to retain sewage or sewage effluent;
 - (c) "Installer" means the contractor, person or persons registered for private sewage disposal systems with the Department of the Environment;
 - (d) "Low Water Use Closet" means a toilet that uses less than 5 litres of water for each flush;
 - (e) "Municipal Inspector" means the person appointed as such by the Municipality;
 - (f) "Occupier" means the person in occupation of the premises or if it is vacant, the person in charge thereof;
 - (g) "Pail Privy" means a privy in which the receptacle for human waste consists of a watertight removable container, which may or may not be surmounted by a building;
 - (h) "Pit Privy" means an outdoor toilet facility in which the sewage receptacle consists of an excavation in the ground;
 - (i) "Septic Tank" means a watertight receptacle for the primary treatment of sewage and the digestion of sludge;
 - (j) "Sewage" means human body, toilet, liquid, water borne, culinary, sink or laundry waste;
 - (k) "Sullage" means liquid waste excluding fecal and urinary wastes;
 - (l) "Sewage Effluent" means sewage after it has undergone at least one form of physical, chemical or biological treatment;

- (m) “Unsanitary Condition” means any nuisance or any condition, matter or thing which, in the opinion of the Municipal Inspector, may be injurious to the health or which in his or her opinion may result in the creation of sewage control problem or a nuisance;
- (n) “Vault Privy” means a privy in which the receptacle for human waste consists of a watertight vault which may or may not be surmounted by a building.

2. All Dwellings within the Municipality shall utilize pail or vault privies or holding tanks for the collection of sewage and sewage effluent with the exception of sullage and shall comply with the provisions of Manitoba Regulation E125/95/99R and to the provisions of this By-Law.

3. For the purpose of carrying out plumbing inspections and enforcing this By-Law, the Municipal Inspector may pursuant to subsection 239(1)(2)(3) of the Act, at all reasonable times, and without the consent of the owner or occupier, and on productions of his or her authority, if demanded, enter any building or premises in the Municipality; and any person who hinders or seeks to hinder or prevent the Municipal Inspector from exercising his or her authority is guilty of an offence and is liable to a fine of not more than \$500.00 or to imprisonment for not more than a month, or to both.

4. Where an existing system is identified by the Municipal Inspector as being in an unsanitary condition or otherwise in violation of this By-Law, the owner or occupier shall, on written notice from the Municipal Inspector immediately upgrade the system or change it over to an approved holding tank, vault privy or pail privy or otherwise bring the system into compliance with this By-Law.

5. If the owner or occupier fails to comply with the order of the Municipal Inspector, the Municipality may, but is not obliged to, remedy the default at the expense of the owner or occupier and the Municipality may recover its costs by action or distress or may levy them against the property respecting which the matter or thing was done and recover them in like manner as taxes in arrears. The Municipality may also order that the land and dwelling in question shall not be occupied until the person in default has complied with the order of the Municipal Inspector.

6. All outside toilet buildings must be:

- (a) of sound construction;
- (b) weatherproof;
- (c) maintained in sanitary condition; and
- (d) in good repair.

7. No person shall have, install or permit the use of a vault or pail privy that is;

- (a) closer than six meters to any habitable building;
- (b) closer than two meters from neighbouring lot lines;
- (c) closer than eight meters to a well; or
- (d) closer than 15 meters to surface water.

8. No person shall have, install or permit the use of containers in a pail privy that are not watertight, cleanable and of size capable of being removed by hand.

9. No person shall be allowed to have a pit privy within the R.M. of Alexander. Existing pit privies will be removed or filled in, in order to comply.

10. No person shall have, install or permit the use of a vault used in connection with a privy that is not of sound construction, watertight and extends at least 15 centimeters above the level of the surrounding ground.

11. No person shall install, use or permit the use of a holding tank for the collection of sewage and sewage effluent from any dwelling unless the holding tank;

- (a) is watertight
- (b) if prefabricated, bears a valid stamp or mark indicating certification by the Canadian Standards Association (Standard CAN 3-B66-M85 or latest revised Edition).

12. Notwithstanding Clause No. 10, if the water closet installed in the dwelling is a low water use closet, the tank may have a minimum total capacity of 3,400 litres.

13. No person shall discharge the contents of a pail privy, or vault privy, or holding tank except;

- (a) into a common or public sewer;
- (b) into mobile equipment for ultimate disposal; or
- (c) into a liquid waste facility which is designed and constructed to be of a size capable of treating the sewage.

14. No person shall install, use or permit the use of a holding tank or vault privy for the collections of sewage from a dwelling unless the location of the holding tank or vault privy is such that it can be serviced by mobile pump-out equipment.

15. Any person who contravenes or refuses, neglects, omits or fails to obey or observe any provision of the By-law is guilty of an offence, and liable to a fine not exceeding \$1,000.00 and costs, and in default of paying to imprisonment for a period not exceeding 30 days.

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

17. This By-Law shall come into force and effect on and from the date of its enactment.

18. Anyone not complying at the time of passing of the By-Law shall have until December 2005 to comply. Any new construction after passing of the By-Law shall conform immediately.

19. That By-Law 13/03 be rescinded.

DONE, PASSED AND ENACTED at a meeting of the Rural Municipality of Alexander, held this day of 21st Day of April A.D. 2005.

The Rural Municipality of Alexander

Original signed by George Harbottle

Reeve

Original signed by Margaret Bonekamp

Chief Administrative Officer

Read a first time this 13th day of April, A.D. 2005.

Resolution # 158/05

Read a second time this 21st day of April, A.D. 2005.

Resolution # 174/05

Read a third time this 21st day of April, A.D. 2005.

Resolution # 175/05