

**DISTRICT OF PORT HARDY  
BYLAW NO. 13-2009**

**A BYLAW TO REGULATE THE TERMS AND CONDITIONS UNDER  
WHICH MUNICIPAL SANITARY SEWER UTILITY SERVICE  
MAY BE SUPPLIED AND USED**

WHEREAS it is deemed advisable that the District of Port Hardy establish regulations for the sewage system;

NOW THEREFORE, the Council of the District of Port Hardy in open meeting assembled ENACTS as follows:

**1. TITLE**

This Bylaw may be cited as the "District of Port Hardy Sewer Regulations Bylaw No. 13-2009".

**2. DEFINITIONS**

In this bylaw unless other required,

*CONSUMER* means any person, company or corporation or agent for the owner of any premises to which sewer services are supplied or made available from the works and also any person who is the occupier of any such premises, and also includes any person who is actually a user of the service supplied to any premises or by a service from the said works.

*COUNCIL* means the elected Council of the District of Port Hardy.

*DECOMMISSION* means:

- Empty the tank of all sewage and dispose of such sewage in accordance with all applicable enactments; and
- Fill the septic tank with inert material such as clean sand or gravel; or
- Collapse the top and walls of the septic tank and fill any voids created with inert material such as clean sand or gravel.

*DIRECTOR* means the person designated to act on behalf of the District of Port Hardy in relation to this bylaw.

*DISTRICT* means the District of Port Hardy.

*INSPECTOR* means the Municipal Inspector, his designate or any other person designated to act on behalf of the District of Port Hardy.

*OWNER'S SEWER LINE* means the sewer pipe extending from the property line of the property concerned or the public sewer where this is located in an easement through said property, to the building situated thereon, and joining the sewer connection to the plumbing system at the building.

*PREMISES* means such separate and individual lots or parcels of land or individual units where they are housed in an individual structure.

*PUBLIC SEWER* means any sewer, sewer system or portion thereof used or intended to be used for public use under the control of the District.

*SERVICE PIPES* means that portion of the sewer service line extending from the property line of the property concerned to the building situated thereon and joining the sewer connection to the plumbing system at the building.

*SEWER CONNECTION* means the sewer pipe extending from the public sewer to the property line of the property being served or about to be served. Where the public sewer is located in an easement through the property, the public sewer shall be deemed to be the property line.

*SEWER SERVICE* means the supply of a sewer line to any property and to all connections and other things necessary to any actual use for the purpose of such a service.

### **3. APPLICATION FOR SERVICE**

- (a) Application for service in the form as prescribed from time to time must be completed and signed by the owner of such property or his duly authorized agent. Each applicant agrees to abide by the terms and conditions of this Bylaw and pay all appropriate fees or assessments for works or services.
- (b) Application for sewer connection and payment for same must be completed prior to application being made for a building permit, if applicable. The application for sewer connection must be approved by the District prior to a building permit being issued.

### **4. SERVICE PIPES**

- (a) Before any person shall install or construct any sewer service, or commence doing any construction work in relation to or in connection with such service, he shall notify the District in writing. If required by the Inspector, he shall furnish a plan and specifications which shall show:
  - (i) the size of pipes and the number of outlets in connection with such an installation; and
  - (ii) a description of the appurtenances, as per the District of Port Hardy Subdivision Bylaw, as it may be amended or replaced from time to time, which the applicant proposes to use in connection with such installation or construction.
- (b) The installation of service pipes shall be the responsibility of the property owners but shall conform to specifications approved by the District.
- (c) The District shall not be liable for the cost of any work done in connection with any service on private property, nor shall any employee of the District carry out any work on private property during working hours.
- (d) It shall be the duty of every consumer to provide that all things connected with the service within the premises are in good condition and installed and connected in accordance with the provisions of the Building Code, Plumbing Code and all relevant District bylaws.
- (e) When the owner's sewer service pipe plans and water service connection application have been approved he may proceed with the installation of the service pipes. When the service pipes have been installed, but before the excavation is backfilled, the District shall be notified that such work is ready for inspection and the Inspector shall make such inspection within two days thereafter, excluding Saturdays, Sundays and holidays.

- (f) The backfilling of the service pipes shall not be commenced until the District has signified in writing that it is satisfied that the materials and workmanship employed are to its satisfaction and that the pertinent sections of this and other bylaws have been adhered to.
- (g) The District shall refuse to connect any premises not complying with this bylaw.
- (h) The owner's sewer line shall be excavated and backfilled at his or her expense and the District shall not be held responsible for any or all damages resulting from said excavating or backfilling. The owner shall supply all pipe and appurtenances and the sewer line shall be constructed of one of the following materials:
  - (i) concrete pipe shall conform to CSA A257.1, *Storm Drain and Culvert Pipe* or CSA A257.2, *Reinforced Concrete Culvert, Storm Drain of CSA Series A257, "Standards for Concrete Pipe"*.
  - (ii) Plastic sewer pipe (polyvinyl) chloride as approved in the *BC Plumbing Code* and the District of Port Hardy Subdivision Bylaw, as they may be amended or replaced from time to time,
  - (iii) Such other material as the District may from time to time approve.
- (i) The owner's sewer shall be laid to an even slope of not less than 1 to 50 mm in the direction of the flow in all cases up to 150 mm lines and not less than 1 to 100 mm may be approved if installed under the direction of the Inspector.
- (j) The pipe shall be laid not less than 0.5 meters below the finished surface of the ground as measured to the top of the pipe, and it is mandatory that the property owner adequately protect it from freezing.
- (k) The pipe shall be laid concentric to each adjacent pipe and the joints shall be flush, even and free of any internal obstruction.
- (l) Where couplings are provided by the manufacturer as in the case of plastic pipes, the couplings shall be installed in accordance with the manufacturer's specifications.
- (m) In no case will cement mortar and oakum joints be permitted.
- (n) Bell and spigot shall be laid with the spigot end facing the direction of the flow.
- (o) Where the owner's connection is laid over filled ground or in ground which may be subject to settling, the Inspector may require that cast iron soil pipe or other materials than those stated in Section 4(h) of this bylaw be used.
- (p) The minimum diameter of every owner's sewer shall be 100 mm.
- (q) It shall be the responsibility of the District to provide a 100 mm cleanout at the downstream end of the building sewer, totally inside the property line. It shall be suitably capped and protected from mechanical damage. The exact location shall be marked for ease of reference.
- (r) The pipe shall not bear on any plank, timber, rock or other unyielding object nor shall any such object be placed against the pipe in backfilling.

- (s) Where the building sewer is laid near any shrub or tree whose roots may penetrate the pipe joints, the Inspector may require that special joint material be used.
- (t) The owner's sewer pipe shall have a 150 mm bed of sand prior to being installed and shall be covered with a layer of sand not less than 300 mm thick over top of the pipe. Select site material may be used if prior approval is obtained from the Inspector.
- (u) All new construction shall install a properly placed back flow prevention connection at the location of the clean out.
- (v) In the event that the District's connection pipe is faulty and is the cause of the consumer's complaint, the District shall repair such faults. If there is no fault found in the District's connection pipe, the consumer shall be invoiced for all costs of the work. The consumer may have the right to inspect the site of the excavation by the District and satisfy himself as to the condition of the connection pipe.

## **5. INSPECTIONS**

- (a) The owner or his agent shall test the house connection for water tightness in the presence of the Inspector. The test shall be performed by sealing the owner's sewer at the property line, using an approved plug, and then filling the line with water so that a head of not less than 2.5 meters is placed on all sections of the building sewer. The rate at which water escapes from the owner's sewer, when calculated under this test shall not exceed two (2) litres per hour for each three (3) meters of owner sewer. This section may be waived at the discretion of the District.
- (b) Where the Inspector finds that the materials or workmanship of an owner's sewer are defective or otherwise not in accordance with the provisions of the bylaw, he shall notify the owner who shall forthwith replace the defective material or correct the faulty workmanship and notify the Inspector when the installation is again ready for inspection.
- (c) The District shall refuse to provide a connection to the sewer system if any premises do not comply with the requirements of this bylaw.
- (d) No reference in this bylaw to an inspection is a reference to an inspection to determine whether an alternative servicing system is in compliance with the Sewerage System Regulation or other provincial regulations. The District does not inspect any sewage systems other than connections to the municipal sewage system.

## **6. TERMS**

- (a) There shall be charged against the owner of the land or real property where a sewer or drain connection has been installed to the property and where plumbing is installed on the premises and is connected to the District sewer system, a sewer rental as set forth in the current District of Port Hardy Rates Bylaw.
- (b) Where multiple independent users exist in what is commonly referred to as a Common Connection line, the individual rates as defined in the current District of Port Hardy Rates Bylaw shall be applicable whether or not an independent sewer or drain has been installed to the property.

- (c) The District has a specified sewer district; therefore, the owners of premises, whether occupied or vacant, to which a service connection has been made, shall be responsible for the payment of all sewer rates, once initial occupancy has been declared, whether the services are actually used or not.
- (d) Fees shall be in accordance with the District of Port Hardy Rates Bylaw. All monthly fees are effective January 1<sup>st</sup> of the current year and are payable at the end of each quarter as follows:
  - (i) Services for January, February, March will be billed in April and are due 40 days after invoice date;
  - (ii) Services for April, May, June will be billed in July and are due 40 days after invoice date;
  - (iii) Services for July, August, September will be billed in October and are due 40 days after invoice date.
  - (iv) Services for October, November, December will be billed in January and are due 40 days after invoice date.
  - (v) These rates shall be payable at any place designated by Council, subject to the provisions of the *Community Charter*, and
  - (vi) A penalty of 2.5% of the entire outstanding balance shall be applied on each of the quarterly due dates indicated above.
- (e) Invoicing for new customers will commence when the Building Permit is issued.
- (f) If the owner of any property, or his agent, where the sewer line has been disconnected wishes to reconnect to the public sewer, he shall make application upon such forms as prescribed by the District for the reconnection. He shall pay the estimated cost, with minimum fees being charged pursuant to the current District of Port Hardy Rates Bylaw. Upon completion of the reconnection, the owner or his agent shall be sent a statement showing the actual cost of the work and he shall be refunded any over-payment or conversely he shall pay the District any cost over and above the estimated cost of his work.
- (g) Any charges authorized by this bylaw which remain unpaid on December 31<sup>st</sup> shall form a charge or lien upon the land or real property upon which or in respect of which they are imposed and Section 258 of the *Community Charter* shall apply to the collection of such charges. These unpaid charges will be transferred to taxes in arrears and will accrue daily interest.
- (h) The sewer connection fee in the District of Port Hardy Rates Bylaw includes one inspection and one re-inspection, if required, of the connection.

## 7. REGULATIONS

- (a) If a parcel of land upon which is situated a building occupied and/or used by one or more persons, abuts a street or land or right-of-way upon or under which there is laid a public sewer, the owner or occupier of such building shall connect or cause to be connected the said building with the public sewer in the manner provided by this bylaw.

- (b) It shall be compulsory for any owner or owners whose property is capable of being serviced by a sanitary sewer to connect or cause to be connected such building with the public sewer within three (3) months after the date that the sewer is completed and rendered operational.
- (c) Where the owner or owners of any parcel of land in the District which is required to be connected to the public sewer of this bylaw, neglects, omits or refuses to comply with the provisions of this bylaw within sixty (60) days of receipt of such notice, then the District may serve the owner with a second registered notice to comply with this bylaw. If the owner neglects, omits or refuses to comply within (60) days of receipt of the second notice, the District may contract a private contractor to make the connection and the costs and expenses may be recovered from the owner together with any administration costs in like manner as municipal taxes.
- (d) **Septic Tanks**
  - (i) Where, in the opinion of the District, a public sewer connection is incapable of serving a said 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 District of Port Hardy Zoning Bylaw and the District of Port Hardy Subdivision and Development Control Bylaw and all relevant provincial regulations. 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.
  - (ii) Where a hazard is reported all reasonable costs and expenses incurred in resolving that health hazard or unsanitary condition as a result of an order issued by the Public Health Inspector shall be added to the tax roll against the property of the owner and shall be treated as taxes in arrears under the *Community Charter*.
  - (iii) Upon making a connection to the District sewer system, an owner must, within fourteen (14) days, remove or decommission from the real property any septic tank previously used for the disposal of sewage generated on the premises.
  - (iv) Upon the failure of any owner to remove or decommission a septic tank as required by this section, the District by its own forces or those of a contractor may enter on the land and perform the work at the expense of the owner and may recover the cost from the owner as a debt.
  - (v) The cost of the work performed by the District under this section may be collected in the same manner and with the same remedies as property taxes and, if unpaid by the owner on December 31 of the year in which the work was performed, is deemed to be taxes in arrears.
- (e) Swimming pools shall be connected to the sanitary sewer. The outflow from the pool is to be controlled to avoid overloading and surging in the sanitary line. It shall be the responsibility of the swimming pool owner to notify the District of any drainage.
- (f) Car and truck washing outlets shall connect to the sanitary sewer. All connections to a sanitary sewer must provide for the removal of all oils and greases, etc. and other pollutants, acids and gritty materials.

- (g) The sewer connection fee deposited in accordance with the District of Port Hardy Rates Bylaw does not embrace works within the property of the applicant.
- (h) No person other than the District, their employees or contractors designated by them shall install or cause to be installed any part of the sewer connection provided for in this bylaw or in any way to break, interfere or tamper with any public sewer of the District.
- (i) Each lot or potential lot must be independently and separately connected with the public sewer.
- (j) When a building within the District is removed or demolished, it shall be the duty of the owner or his agent to immediately supply to the office of the District, upon such forms as prescribed by the District, for a permit to disconnect from the public sewer at the property line. The fee for such disconnection shall be the actual cost of the work as determined by the District.
- (k) Nothing in this bylaw shall be construed to permit the connection of surface water to the public sewer. 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 public sewer shall be guilty of an infraction of this bylaw and shall rectify the infraction at his expense.
- (l) No gasoline, naphtha or other inflammable liquid or explosive substance and no grease, oil, lye, free acid, mud, grit, plaster of paris, lime, clay or any other trade or industrial wastes which may injure or impair the efficiency or safety of the public sewer or causes an upset or malfunction of the sewage treatment through deposits forming in the same or owing to the attacking and weakening of such public sewer shall be discharged into any public sewer within the District.
- (m) In the case of any commercial or industrial premises where there exists a possibility that such noxious wastes, as are described in this section, may be discharged into the public sewer, a permit to connect to the sewer shall not be issued until the Inspector has examined fully and approved the layout and design of the protective devices by means of which the applicant proposes to prevent or neutralize the discharge of the said wastes into the sanitary sewer.
- (n) After final inspection has been made, it shall be incumbent upon the property owner to see that the sewer connection does not become obstructed from rocks, gravel, sand, sticks, garbage or any other foreign material, grease build-up and the freezing of lines. Property owners shall see that clean out caps are not removed except for inspection by either property owners or other authorized person. In instances where damage is caused by an act of nature such as landslide, shifting of earth, washouts caused by rainfall or water tables or manmade instances such as contractors digging and breaking sewer lines, construction of new streets or any other work that would cause damage or break sewer service lines on District street right-of-way or easement, the District shall determine the cause of such damage, report or cause to have repaired the said line and, further determine who shall be liable for payment.

**8. ADMINISTRATION**

- (a) The Director is hereby authorized and directed to have general supervision over the municipal sewer system and to see that the provisions of this bylaw are carried out.
- (b) The District shall have the power to appoint assistants and inspectors for the purpose of effectually carrying out the provisions of this bylaw and wherever the Director is authorized or directed to perform any act or duty under this bylaw. Such act or duty may be performed by an employee or agent authorized by the District to perform such act or duty.
- (c) Nothing contained in this bylaw shall be construed to impose any liability on the municipality to service any person or premises or to give a continuous service to any person or premises.
- (d) The District shall not be liable for the failure of the sewer system in consequence of any accident or damage to the works or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from the negligence of any person in the employ of the municipality or other person whomsoever, or through natural deterioration or obsolescence of the municipality's system or otherwise.

**9. CONTRAVENTION AND PENALTIES**

- (a) Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.
- (b) Any person found guilty of an infraction of any of the provisions of this bylaw, shall, upon summary conviction, be liable to a Minimum fine of Five Hundred Dollars (\$500) which shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act.

**10. SEVERABILITY**

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**11. REPEAL**

"District of Port Hardy Sewer Regulations and Terms Bylaw No. 09-2005 as amended is repealed.

READ A FIRST TIME ON THE 10<sup>th</sup> DAY OF NOVEMBER, 2009.

READ A SECOND TIME ON THE 10<sup>th</sup> DAY OF NOVEMBER, 2009.

READ A THIRD TIME ON THE 10<sup>th</sup> DAY OF NOVEMBER, 2009.

ADOPTED ON THE 24<sup>TH</sup> DAY OF NOVEMBER, 2009.

*Original signed by:*

\_\_\_\_\_  
DIRECTOR  
OF CORPORATE SERVICES

\_\_\_\_\_  
DEPUTY MAYOR