

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 97 – 18  
*With Amendment: 2002-12*

Being a By-Law of the Rural Municipality of East St. Paul To Regulate the Construction, Installation, and Use of Common Sewers of the Rural Municipality of East St. Paul.

WHEREAS Section 250(2) S.M. 1996, c. 58 of The Municipal Act provides general powers

“a municipality may for municipal purposes do the following:

- (b) construct, operate, repair, improve, and maintain works and improvements;
- (c) acquire, establish, maintain and operate services, facilities and utilities;”

**PART I**

**DEFINITIONS** – Unless the context otherwise requires, whenever used in the By-law.

- 1.1 “Average Wastewater” means wastewater of the same nature, quality and degree of pollution as the Sewer Utility shall have estimated the yearly average of the influent to the treatment plant to be, after making tests of the usual and appropriate kind for such determination. Unless otherwise determined by the Sewer Utility, average wastewater shall be the average of the previous five years.
- 1.2 “Biochemical Oxygen Demand” (abbreviated as B.O.D.) means the quantity of oxygen whose concentration is expressed as milligrams per litre (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- 1.3 “Body of Water” means any ditch, brook, creek, stream, river, lake, pond, stormwater retention basin, waterway, watercourse, canal or other flowing or standing water.
- 1.4 “Municipality” means the Municipality of East St. Paul as incorporated under The Municipal Act, and any amendments hereafter to be made thereto.
- 1.5 “Common Sewer” means any sewer or drain of any description vested in or under control of the Municipality of East St. Paul but does not include interceptor sewers.
- 1.6 “Council” means the Council of the Municipality of East St. Paul.
- 1.7 “Designated Officer of the Municipality” shall be the Public Works Superintendent and/or his Assistant.
- 1.8 “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 160 year return frequency of the Red River.
- 1.9 “Grease” means fats, waxes, oils and other relatively non-volatile organic substances whose concentration is expressed as milligrams per litre (mg/L) as determined as oil and grease in accordance with procedures contained in Standard Methods.

- 1.10 “Industrial Wastewater” means any wastewater discharged, permitted to flow, or escaping from any industrial, manufacturing, or process, or from the development, recovery, or processing of any natural resource.
- 1.11 “Interceptor Sewer” means a sewer constructed solely to carry wastewater from local sewers to the treatment plants and to which owners of abutting properties have no right of connection as determined by the Sewer Utility.
- 1.12 “Land Drainage” means storm, surface, overflow, subsurface, or seepage waters or other drainage from land, but does not include wastewater.
- 1.13 “Land Drainage Sewer” means a sewer that carries land drainage.
- 1.14 “Lot Grading By-Law” means the Municipality Lot Grading By-law No. 92-14 as amended from time to time.
- 1.15 “Municipality” means the Rural Municipality of East St. Paul.
- 1.16 “Normal Wastewater” means wastewater which has: (1) a five day Biochemical Oxygen Demand of 300 milligrams per litre; and (2) which contains 350 milligrams per litre suspended solids, but which does not contain appreciable quantities prohibited with license in Section 5.1.
- 1.17 “Owner” means a person who is an owner of a freehold estate in the Municipality and includes a person who is the owner of such an estate jointly with another person, and a person who is registered under The Condominium Act as the owner, as defined in that Act, or a unit under that Act.
- 1.18 “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.
- 1.19 “pH” means the logarithm, to the base 10, of the reciprocal of the hydrogen ion concentration in moles per litre. pH shall be determined by one of the procedures outlined in Standard Methods.
- 1.20 “Premises” means any land or building or both or any part thereof.
- 1.21 “Private Outfall” means any sewer which does not connect to the sewage system of the Municipality.
- 1.22 “Properly Shredded Garbage” means the wastes from the preparation, cooking and dispensing of food other than manufacturing process that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in sewers, with no particle greater than 15 mm in any dimension.
- 1.23 “Pumping Well” means any chamber, manhole, or other structure used for the installation of portable or temporary pumping equipment.
- 1.24 “Quarter” as a measure of time means three calendar months and may commence on any date of the month.
- 1.25 “Sewage” means wastewater.
- 1.26 “Sewage System” means the sewage disposal system of the Municipality of East St. Paul including all common sewers, interceptor sewers, pumping facilities and treatment facilities required to transport or treat land drainage or wastewater.
- 1.27 “Sewer” means a pipe or conduit that carried wastewater or land drainage, or both.

- 1.28 “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 employees of the Municipality.
- 1.29 “Standard Methods” means the analytical and examination procedures set forth in the current edition of **Standard Methods for the Examination of Water and Wastewater** as published jointly by the American Public Health Association, the American Water Works Association and Water Pollution Control Federation. When Standard Methods does not contain an applicable test or analysis, or where more than one procedure is given in Standard Methods, the method used shall be as required by the Sewer Utility.
- 1.30 “Suspended Solids”(abbreviated S.S.) means materials that either float on the surface or are in suspension in water, wastewater or industrial wastewater, whose concentration is expressed as milligrams per litre (mg/L) and which are determined as set forth in Standard Methods.
- 1.31 “Trunk Line” means a sewer that will accommodate wastewater in excess of that particular area and is greater than 12 inches in diameter.
- 1.32 “Wastewater” means the spent water of a community. It may be a combination of liquid and water carried wastes from residences, commercial building, cooling plants, swimming pools, industrial plants and institutions, including any groundwater, surface water and stormwater that may be present.
- 1.33 “Wastewater Sewer” means a sewer that carries wastewater.
- 1.34 “Wastewater System” means collectively, all of the property involved in the operation of a sewer utility. It includes land, structures, equipment and process required to collect, carry away and treat wastewater and dispose of the effluent.
- 1.35 “Weeping Tile Drain” means a drain installed for collecting or conveying subsurface or seepage water around a building.

## **PART II GENERAL**

### **2.1 Administration**

This By-law shall be administered by the Municipality’s Public Works Department or such other person as may be authorized in writing by the said Municipal Council to exercise some or all of the powers vested in him by this By-law.

### **2.2 Control of Sewers**

This Sewer Utility shall have the control of the sewage of the Municipality including but not limited to the approval of the design and construction of all sewers, sewer connections and appurtenances and shall take charge of the building and repairs of same and all matters in connection with the sewage system of the Municipality.

### **2.3 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 the authority to enter upon any premise for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this By-law.

### **2.4 Weeping Tile Flow**

The connection of weeping tiles to discharge to any sewer is prohibited unless approved by the Sewer Utility.

No sewer connection of rainwater leaders to discharge to any sewer is allowed unless approved by the Sewer Utility.

- 2.5 Rainwater Leaders**  
The connection of rainwater leaders to discharge to any sewer is prohibited unless approved by the Sewer Utility.
- 2.6 Flow Restrictions**  
Flow restrictions may be imposed by the Sewer Utility to control maximum discharge rates. No person shall alter or construct any flow restrictors unless approved by the Sewer Utility.
- 2.7 Uncontaminated Discharges**  
No person shall discharge or cause or permit discharge of wastewater into any land drainage sewer. Water from a cooling plant, swimming pool or similar installation shall be considered wastewater and shall be discharged directly into a wastewater sewer. The Sewer Utility may grant a Discharge License to direct water from any building or plant into a land drainage sewer or body of water as provided in Part 10 hereof.
- 2.8 Use of Land Drainage or Wastewater**  
No person shall withdraw or use land drainage or wastewater from the sewage system including the withdrawal of land drainage from a stormwater retention basin, without the approval of the Sewer Utility.
- 3.9 Maintenance and Repair of the Sewer System on Private Property**  
The property owner served by the sewer system shall be responsible for the cost of day to day maintenance including tree roots and materials coming from the houses, all service lines and equipment on their property and the connection to the main line sewer. All required maintenance shall be completed by a qualified tradesman and subject to inspection by the Rural Municipality of East St. Paul Inspector. However, the Municipality retains responsibility for pipe failures on municipal property.

### **PART III CONSTRUCTION AND APPROVAL**

- 3.1 Approval**  
No person shall establish, enlarge, alter or construct any sewer, sewer connection, drain or land drainage works within the Municipality without first submitting plans and specifications of the proposed construction to the Sewer Utility and receiving its approval.
- 3.2 Buildings to be Connected to System**  
Any building used or designed for human habitation, employment or recreation or any building used for commercial or industrial purposes wherein wastewater is generated shall be connected to the wastewater sewer where available and all work to make or incidental to such connections including maintenance and repair shall be done at the owner's expense in the manner and according to the standards set out herein and acceptable to the Sewer Utility. If no wastewater sewer is available it shall be connected to a private sewage disposal system subject to conditions as herein provided.
- The owner of any building served by a private 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 premises to the sewage system of the Municipality, or where in the opinion of the Sewer Utility it is not practicable to connect the building with the Municipality's sewage system, install a private sewage system in accordance with this By-law.
- For a building served by a private sewage system, if and when the Municipality constructs a wastewater sewer fronting such property, whether as a local improvement or otherwise, the owner shall at his own expense cause his building to be connected thereto within 12 months from the date of the completion of such construction as certified by the Sewer Utility and at his own expense, shall remove or abandon the private sewage system to the satisfaction of the Sewer Utility.
- 3.3 Interconnection**  
The interconnection of wastewater and land drainage sewers is prohibited unless approved by the Sewer Utility.

### 3.4 **Issuance of Permit**

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

- (i) the application has been approved by the Sewer Utility, and
- (ii) the applicant has paid the appropriate fee as listed in Schedule “A”.

### 3.5 **New Sewer Connections**

1. Classes of connections – there shall be a single class (1) of sewer connection for domestic sewage only. Industrial waste applications will be subject to Municipal Council review.
2. Application – the permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Sewer Utility.
3. Application for Sewer Connection Fee – a permit fee as listed in Schedule “A” shall be payable at the time the application is filed.
4. Restrictions
  1. a single connection to the common sewer shall be provided for each new detached building, provided, that where a building is located at the rear of another building on the same lot, the sewer from the front building may be extended to the rear building and the whole considered as one sewer connection.
  2. the owners of multiple unit buildings, multiple storey/multiple family buildings or the owners of existing detached dwellings serviced by one connection to the common sewer shall be jointly responsible for the operation, maintenance and repair of the sewer connection.
  3. no building shall be erected or built over a sewer connection.
5. Prohibitions – No sewer connection shall be made to a manhole, catch basin, street drainage connection, common sewer, interceptor sewer or storm relief sewer unless approved by the Sewer Utility.
6. Industrial Sewer Connection – No permit for an industrial sewer connection shall be issued without Council approval.
7. Agreement to Indemnify Municipality – Any person who applies for a permit under Section 4.4 shall hold the Municipality harmless against loss or damage from overflow of water or wastewater backup from the sewer or other cause.
8. Permits May Be Revoked – All permissions given to connect with a sewer or drain 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 Municipality for damages in consequence of such permission being revoked or annulled.
9. Cost of Installation and Maintenance – The owner of the premise serviced is responsible for the cost of installation and maintenance, including replacement, of every sewer connection from the premise to the common sewer.
10. Special Sewer Connections – Upon application by the owner, the Sewer Utility may approve special sewer connections to properties not serviced by a fronting sewer provided that the owner pre-pay the full cost equivalent to the current local improvement rate including frontage, acreage, or area costs and treatment levies of installing a sewer over the actual frontage of the owner’s property or such portion thereof as determined by the Sewer Utility.

Where a special sewer connection is approved by the Sewer Utility:

1. The Municipality shall not be responsible for paying any cost of installing, maintaining or repairing the said special sewer connection.
2. The owner of any premise with a special sewer connection shall indemnify the Municipality against any damage, loss or expense incurred by the Municipality as a result of the construction, existence or removal of the special connection.
3. The owner shall pay the annual sewer maintenance assessment as approved by Council from time to time.
4. If and when the Municipality constructs a sewer fronting such property, whether as a local improvement or otherwise, the Sewer Utility may require the owner at his own expense to abandon the special sewer connection in accordance with Section 4.12 and connect to the Municipality sewer fronting on the property within 18 months from the date of the completion of such construction as certified by the Sewer Utility.

The owner of such special service shall be entitled to a recovery of a portion of costs should other property owners connect at a later date.

### 3.6 **Inspection Permits**

No connection, repair, alteration or re-connection shall be made to the underground portion of a sewer connection or drain either on or under the municipal street or on private property without first obtaining a Sewer Connection Inspection Permit from the Sewer Utility.

### 3.7 **Regulations on Construction**

All sewer connections with a common sewer 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.

### 3.8 **Sewer Contractor's License**

- (1) License Required – Connections, repairs, additions, deletions or alterations to the sewage system, other than repairs undertaken by an owner on his own property, may be performed only by employees of the Sewer Utility or by a person holding a valid Sewer Contractor's License issued by the Sewer Utility.
- (2) License Requirements – To obtain or renew a Sewer Contractor's License, a person is required to submit an application to the Sewer Utility. An application for renewal shall be submitted at least four (4) weeks before the expiry date of the existing license. The sewer Contractor's License may be issued only after the applicant has demonstrated that he has the capability to satisfactorily perform the work subject to the Sewer Utility's requirements and subject to the liability insurance requirements being met.
- (3) License Fee – No license shall be issued by the Sewer Utility until the applicant has paid the fee as shown in Schedule "A".
- (4) License Declaration – At the time of application for a Sewer Contractor's License, a declaration shall be signed by the applicant stating that he will replace and restore the street to a condition satisfactory to the Sewer Utility. He will also conform in all respects to the specifications of the Municipality, the rules, regulations and By-laws of the Municipality and to any applicable statute of The Province of Manitoba.
- (5) Liability Insurance – Every person to whom a Sewer Contractor's License is issued under this By-law shall maintain a file with the Law Department a certificate from his insurance broker naming the Municipality as an insured party, indemnifying and saving harmless the Municipality from and against all accidents, suits and damages of whatsoever nature consequent thereupon for or by reason of any opening in any street by him or his agents or employees for installing, repairing, altering or

disconnecting a sewer connection, or for any other purpose or object whatsoever in the amounts of \$1,000,000.00 covering personal injury and \$1,000,000.00 covering property damage.

- (6) Sewer Utility May Rescind License – The Sewer Utility may rescind any license issued if it deems that the person is not satisfactorily complying with the requirement of this By-law or if the insurance requirements are not being met.
- (7) Expiry of License – Every Sewer Contractor’s License issued under the provisions of the By-law shall remain in force, until the first day of January next succeeding the issue thereof unless it is rescinded.

### 3.9 Specifications

The installation of and the repair of every common sewer and every sewer connection to the common sewer shall be completed in a manner acceptable to the Sewer Utility and shall be in accordance with the following specifications and regulations:

- (1) Type of pipe – for all construction, only approved types of pipe shall be used.
- (2) Sizing of connections – the size of the sewer connection in the street and in the property necessary to adequately serve the premises shall be approved by the Sewer Utility and no person shall install a sewer smaller than the size so approved but in all cases the minimum size of sewer connection permitted will be 150 mm.
- (3) Grades – unless otherwise approved by the Sewer Utility, the minimum grade of fall for a sewer connection shall be 1% for all approved plastic pipe and 2% for all other approved pipe.
- (4) Junctions – junctions shall be installed in a manner acceptable to the Sewer Utility.
- (5) Depth – sewer connections shall be not less than 2.6 metres below grade at the building line nor less than 2.85 metres below grade at the property line.

### 3.10 Inspection of Connection

All sewer connections to the sewage system within the street right-of-way or on private property shall be inspected and approved by the Sewer Utility before backfilling.

The contractor must notify the Sewer Utility in the morning for inspections required in the afternoon or in the afternoon of the previous day for inspections required in the morning. For inspections after regular working hours including weekends and holidays, an additional fee as listed in Schedule “A” will be assessed.

The following conditions will apply to inspections:

- (1) No sewer connection constructed to the common sewer shall be backfilled until it has been inspected and deemed satisfactory to the Sewer Utility.
- (2) Every deficiency noted shall be remedied by the contractor and thereafter be re-inspected before backfilling may be commenced.
- (3) Where repairs to a sewer connection have required excavation or where an existing sewer connection is required to be cut off and abandoned, no backfilling of the excavation shall be commenced until it has been inspected and deemed satisfactory to the Sewer Utility.

### 3.11 Sewer Disconnection

An owner or agent when taking out a permit to demolish or move a building shall first have the sewer blocked as per Section 3.12 or shall make a deposit as listed in Schedule “A” if the connection is to be reused as outlined in Section 3.14. If such connection is not re-used within 18 months it shall be blocked by the owner. The deposit shall be returned to the

owner when the sewer connection is subsequently re-used or disconnected by the owner to the satisfaction of the Sewer Utility.

If the owner fails to comply with this requirement, the Sewer Utility shall have the right to undertake the work and the cost shall be deducted from the deposit or added to the taxes and collected in the same manner as ordinary municipal taxes if the deposit does not cover the total cost.

**3.12 Abandoned Sewer Connection to be Blocked**

When a sewer connection is abandoned, the owner or his agent shall effectively block the connection to the satisfaction of the Sewer Utility at a point within 1 metre of the common sewer or as specified by the Sewer Utility.

**3.13 Damage of Sewers**

No person shall damage a sewer or accessory or appurtenance thereto or any equipment used in conjunction therewith.

**3.14 Re-use of Sewer Connections**

No person shall re-use an existing sewer connection until he has completed an Application for Sewer Connection and paid the appropriate fee.

Sewer connections shall not be re-used unless the owner, at his own expense can demonstrate to the satisfaction of the Sewer Utility that the sewer connection is structurally sound and conforms in all respects to the requirements of a new connection.

**3.15 Land Drainage on Private Property**

- (1) Site grading plans for all land shall be in accordance with the Lot Grading By-law.
- (2) The Sewer Utility may require that a private land drainage system be constructed with restrictions to control the rate of flow into the common sewer.

**3.16 Municipality May Direct Installation of Plumbing or Other Sanitary Facilities**

The Municipality may direct plumbing or other sanitary improvements to be made in any building or property.

**3.17 Municipality Make Make Sewer Connections and Repairs and Collect In the Same Manner as a Tax**

If a person, having been duly required to connect any premise with a common sewer, or to make any repairs, reconstruction or replacement thereof or in connection therewith, neglects or refuses so to do, the Sewer Utility may make such connection or do such 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 Municipality.

**PART 4 CONTROL OF DISCHARGE TO SEWERS**

**4.1 Restricted Materials Entering System**

No person shall discharge or cause to be discharged into any sewer in the Municipality any wastewater which has characteristics as follows:

1. B.O.D. concentration greater than 300 mg/L, S.S. concentration greater than 350 mg/L. or grease concentration greater than 150 mg/L as determined on a 24 hour proportioned basis.
2. Temperature greater than 65° C.
3. pH lower than 5.5 or greater than 9.0
4. Metals concentration greater than
  1. 50.0 mg/L for aluminum
  2. 2.0 mg/L for cadmium

3. 15.0 mg/L for chromium (total)
  4. 5.0 mg/L for chromium (hexavalent)
  5. 5.0 mg/L for copper
  6. 2.0 mg/L for lead
  7. 0.1 mg/L for mercury
  8. 5.0 mg/L for nickel
  9. 5.0 mg/L for zinc
5. Total sulphide greater than 10.0 mg/L.
  6. Free cyanide greater than 2.0 mg/L or total cyanide greater than 10.0 mg/L.
  7. Containing any solids which will not pass a 6.1 mm screen.
  8. Any viscid liquid
  9. Containing gasoline, benzene, naphtha, fuel oil or flammable or explosive liquid, solid or gas.
  10. Any garbage other than properly shredded garbage from a garbage disposal unit operated by motor or motors having a combined rating not greater than 0.40 KW.
  11. Containing toxic, carcinogenic or poisonous substances or substances which combined with other waste may cause toxic, flammable, explosive or poisonous substances to be liberated.
  12. Containing any noxious or malodorous substances capable of creating a public nuisance.
  13. Containing atomic or radio-active materials except as may be permitted under the Atomic Energy Control Act (Canada).
  14. Containing substances which may interfere with the operation of the sewer system, treatment and disposal processes operated by the Municipality.
  15. Any dangerous or hazardous waste.
  16. Any material or substance prohibited by the Sewer Utility.

#### 4.2 Grease and Sand Traps

1. Grease traps acceptable to the Sewer Utility shall be installed by the owner in all waste pipes from kitchen sinks or dishwashers in hotels, restaurants and institutional buildings except where, in the opinion of the Sewer Utility, they are not necessary.
2. A grease and sand trap shall be provided by the owner on the waste outlet from all mechanical service garages, motor vehicle wash floor or similar establishments and industrial discharges except where in the opinion of the Sewer Utility they are not necessary.
3. Such traps shall be in accordance with the following specifications:
  1. a trap shall be so designed that it will not become air bound;
  2. a trap shall be so located as to be readily accessible for cleaning;
  3. a grease trap shall be of sufficient capacity to intercept all grease, gasoline, or oil likely to flow into it under peak flow conditions;

4. the grit trap for motor vehicle wash floors shall have a capacity sufficient to retain sand or grit during any 10 hour period but in no case shall it be less than 1.2 metres long, 0.75 metres wide and 0.6 metres deep measured from the floor of the trap to the invert of the overflow;
  5. Every grease and sand trap shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, water tight and equipped with easily removable covers which when bolted in place shall be gas tight and water tight.
4. All grease and sand traps shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. The owner of any such trap is required to maintain records for the preceding twelve (12) month period. The Sewer Utility shall have the right to enter upon the premises at any time to inspect the operation of grease and sand traps.

## **PART 5 SEWER RATES**

### **5.1 Rates**

To provide the funds for the maintenance and operation of the sewage system, the Sewer Utility shall make sewer rate and sewer service charges as determined by by-law with the Public Utilities Board approval.

### **5.2 Deposits**

The Municipality may charge a deposit as required within this By-law. No interest shall accrue or be paid on such deposit.

### **5.3 Accounts Payable at Municipal Office**

All payments of sewer rates, charges and other services may be made at the Municipal Office.

### **5.4 Transfer of Indebtedness**

Where a person has terminated the sewer services contract at a premises and is re-applying for sewer service at a different location with the Municipality, any indebtedness or credits shall be transferred, as though there has been no change in premises. The Sewer Utility may transfer to the sewer account of a person's principal residence any indebtedness incurred for sewer service at another residence.

### **5.5 Remedies for Default in Payment**

Where there is a default in payment for any rates, penalties, or services provided under this By-law, the Municipality may enforce payment by shutting off the supply of water or sewer service or by suit at law before any court of competent jurisdiction or by distress and sale of the goods and chattels of the occupant of the property in which such water or sewer service is consumed or used or of any goods and chattels in his possession wherever the same be found within the Municipality, such distress and sale to be levied and made in the same manner, so far as may be, as a distress and sale by law upon a tenant for rent, and all such rates and penalties until paid shall be a lien on such property and that in the case of rates, penalties and charges for water supplied or sewer service rendered in connection with the Sewer Utility, the same may be added to the taxes on such property and collected in the same manner as ordinary municipal taxes.

### **5.6 Collection**

The Sewer Utility may collect overdue accounts as set out under By-law No. 93-22 by transferring the debit to the tax roll and collecting it as ordinary taxes.

### **5.7 Adjustment of Sewer Charges**

Where the Sewer Utility or where any occupant or owner considers the sewer rate allotment based on estimated consumption as inequitable, the Sewer Utility may adjust the charges. The Sewer Utility may permit or require installation of an effluent meter(s) to establish charges. The requirements governing the adjustment of sewer charges are as follows:

1. the applicant for the allowance pays on demand in advance the annual fee as shown in Schedule "A" for the purpose of recovering the cost to the Municipality for administration, field investigation and meter inspection;
2. where any person is granted an adjustment under this section, such adjustment shall be effective from the quarter during which such person made application to the Sewer Utility for such adjustment;
3. the effluent from the property, before being discharged into a stream, a body of water or a land drainage sewer in a separate sewage system area, is sufficiently treated to the requirements of the Sewer Utility; or
4. the effluent from a closed cooling system consisting of potable or uncontaminated water is used for recharging the aquifer and the return well is metered; or
5. the effluent is itself metered; and if
  1. the total influent volume of water used by the owner or occupant at each location of plant is in each year in excess of 25,000 kilolitres; and
  2. the allowance applied for is in excess of ten percent of the total volume of water consumed; and
  3. any meter required to be provided by the owner or occupant is approved by the Sewer Utility and is kept in good operating order;
6. no adjustment shall be made where the sewer system is available fronting the property and where the premise is not connected to the sewer, where in the opinion of the Sewer Utility, wastewater from the premise should be directed to the sewer.
7. where any person is granted an adjustment under this section and subsequently becomes ineligible by reason of not meeting any one of the requirements of this section, the adjustment shall forthwith be discontinued and the Sewer Utility may recover any allowance made in the current year.

## **PART 6 FLOOD CONTROL**

### **6.1 Authority**

The Sewer Utility is responsible to ensure the proper maintenance and operation of all permanent flood pumping stations, gates and gate chambers within the Municipality. The Sewer Utility is further required during periods of high water levels on the rivers, to arrange auxiliary pumping when required and have closed as required all openings between the Municipal Sewage system and the rivers.

### **6.2 Entry Or Without Premises**

With the consent of the owner or occupant, the Sewer Utility shall have authority to enter upon any premises for the purposes of:

1. inspecting any sewer or sewer connection and pipe, apparatus or other thing connected therewith;
2. blocking any sewer or sewer connection when in the opinion of the Sewer Utility it is advisable that such action be taken to reduce or diminish damage or loss from or incidental to flood;
3. for so long as the Sewer Utility shall deem it advisable, maintaining any sewer block, apparatus or other thing placed to block the sewer or sewer connection or used in connection therewith;

4. when, in the opinion of the Sewer Utility the blocking of the sewer or sewer connection is no longer required, removing the sewer block apparatus or other thing placed to block the sewer or sewer connection.

## **PART 7 PRIVATE SEWAGE SYSTEM**

### **7.1 Prohibition**

No person shall construct, install, excavate, have or use any system of receiving, treating or disposing of wastewater without a permit from the Sewer Utility on any property located within the Municipality.

### **7.2 Application for Permit**

Any person requiring a permit under Section 7.1 for a private sewage system, shall register with the Department of Environment and provide a copy of the registration to the Sewer Utility.

### **7.3 Type Restrictions**

1. The installation and use of private sewage systems shall be restricted to:
  1. a septic tank and field; or
  2. a mechanical treatment plant or other system approved by the Sewer Utility
2. Wastewater stabilization ponds shall not be permitted for year round use.
3. Pit privies and/or privy vaults shall not be permitted.
4. Holding tanks will not be permitted.

### **7.4 Location Restrictions**

1. No part of a private sewage disposal system of the septic tank and field type shall be installed:
  1. within 45 m of the normal high water level of any body of water within the Municipality;
  2. in an area defined by Council;
  3. for use by other than a single-family dwelling;
  4. upon a flood plain or within 15 m of any dyke or flood control structure;
  5. within 15 m of a cut or embankment;
  6. on a parcel of property containing less than 0.40 hectares of land within the steel posts of a legal survey and registered to the applicant;
  7. within 15 m of any well;
  8. within 15 m of the property boundary and with the field not closer than 11 m to any dwelling and the tank not closer than 1 m from any dwelling.
2. No mechanical treatment plant shall be installed:
  1. within 15 m of the normal high water level of any body of water within the Municipality.
  2. in a flood plain;
  3. within 15 m of any well;

4. within 1 m of any dwelling;
  5. within 15 m of the property boundary.
3. No mechanical treatment plant shall be installed:
    1. where an adequate disposal system for liquid effluent and sludges is not available.

#### 7.5 **Regulations**

The following regulations apply to Private Sewage Systems as permitted under Section 7.3(1);

##### 1. **Septic Tank and Field System**

Construction shall be in accordance with the Province of Manitoba regulations regarding the installation of septic fields.

##### 2. **Treatment Facilities**

Treatment facilities shall

- i) be designed by a Registered Professional Engineer licensed to practice in Manitoba;
- ii) be of a design and capacity approved by the Sewer Utility;
- iii) have facilities for sludge storage and removal;
- iv) have a contact chamber for disinfection of the effluent;
- v) be in compliance with the relevant acts and regulations of the Province of Manitoba.

#### 7.6 **General Provisions**

Notwithstanding anything contained in previous sections of this By-law the following general provisions shall apply:

- i) private sewage systems shall be maintained at all times in a condition and working order satisfactorily to the Sewer Utility.
- ii) no wastewater or system effluents shall be discharged onto the ground surface or to any body of water or in any manner whatsoever, unless otherwise approved by the Sewer Utility.

### **PART 8 CONTROL OF DISCHARGES TO WATER COURSES**

#### 8.1 **Prohibition**

No person, directly or indirectly, shall discharge or drain or cause or permit to be discharged or drained any wastewater into any body of water in the Municipality.

#### 8.2 **Sewer Utility May Issue Orders**

The Sewer Utility may issue orders as may be necessary to prevent the pollution of any body of water within the Municipality requiring any person or municipality who or which is, in the opinion of the Sewer Utility, polluting any body of water within the Municipality, or discharging or draining wastewater into any body of water therein or into any body of water which flows through or adjacent to the Municipality, to abate, control, discontinue or stop such polluting and/or discharging, and/or to design and construct facilities to prevent such discharges.

## **PART 9 RECOVERIES**

- 9.1 While recoveries for sewer installation are not explicitly covered by a development agreement, the Municipality begins to recover a portion of installation costs that benefit other property owners at the installation, based on the actual front foot costs for the lands serviced. Full recovery can be made for a period of ten (10) years.

## **PART 10 ENFORCEMENT, PENALTIES AND APPEALS**

### **10.1 Enforcement**

The Sewer Utility may direct a person, by order or otherwise, to remedy any condition that contravenes or fails to comply with this By-law.

### **10.2 Costs**

Where any person discharges any liquid, solid or gaseous matter into the sewage system, which, in the opinion of the Sewer Utility, interferes with the operation of the sewage system and results in damages, and upon failure of such person to remedy the condition, the Sewer Utility may undertake such remedial work as deemed necessary and any charge the cost of the work and/or damages to such person. Where there is default in payment, the Municipality may recover such costs as otherwise provided for by the By-law.

### **10.3 Offenses and Penalties**

Any person who:

1. hinders or interrupts, or causes or procedures 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 sewage system or any part thereof; or
2. destroys, damages, or interferes with the operation of any part of the sewage system or introduces into the sewage system anything or matter that 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 to a fine not exceeding \$100.00 for each day that the infraction occurs or in the case of an individual to imprisonment for a term not exceeding 30 days or to both such fine and such imprisonment; and is also liable to an action at law, at the suit of the Municipality of make good any damage done by such person.

### **10.4 Appeals**

Any person who is aggrieved by the requirements of this By-law may file an appeal with the Municipal Office, subject to the payment of the appropriate fee as listed in Schedule "A", which appeal shall be heard by the Municipal Council whose decision on the matter shall be final and binding.

## **PART 11 REPEALS AND SEVERABILITY**

### **11.1 Repeals**

All By-laws and By-law amendments passed prior hereto by the Municipality, relating to the regulation of the Sewer Utility, shall hereinafter cease to have effect and without limiting the generality of this section.

### **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" hereto are hereby declared to be and to form part of this By-law.

11.4 **Effective Date**

This By-law shall come into force and take effect upon the passing thereof.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council duly assembled in East St. Paul, in Manitoba, this 9<sup>th</sup> day of September, A.D. 1997.

Originally signed by Phil Rebeck

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Reeve

Originally signed by Janet Nylen

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Secretary-Treasurer

Read a first time this 13<sup>th</sup> day of August, A. D. 1997.

Read a second time this 9<sup>th</sup> day of September, A. D. 1997.

Read a third time this 9<sup>th</sup> day of September, A. D. 1997.

**SCHEDULE “A”**

This is Schedule “A” to By-law No. 97-18 of the Municipality of East St. Paul. The Rates, Fees and Licenses payable under the provisions of Sewer By-law No. 97-18 are as follows:

1.	Application for Sewer Connection (New or Re-Use) – Section 4.5(3) and 4.14	
1.	Residential and Commercial	\$ 25.00
2.	Industrial	100.00
2.	Sewer Connection Inspection Permit – Section 4.6	
1.	Residential and Commercial	40.00
2.	Industrial	100.00
3.	Extra charge for after regular working hours including weekends and holidays	100.00
4.	Re-inspection during regular working hours	40.00
3.	Sewer Contractors License – Section 4.8	
1.	Initial year or part thereof	100.00
2.	Annual renewal	50.00
4.	Sewer Disconnections – Section 4.11	
1.	Cut off of sewer connection – deposit	1,000.00
5.	Sewer Rate Adjustment Fee – Section 6.11	
1.	Annual Inspection Fee	50.00
6.	Appeals – non refundable – Section 13.4	50.00
7.	Treatment levy per household unit or equivalent	2,500.00
8.	Application for Private Sewage System	25.00
9.	Private Sewage System Connection Inspection Permit, Section 7	
1)	Inspection for Private Sewage System	40.00
2)	Extra charge for after regular working hours including weekends and holidays	100.00
3)	Re-inspection during regular working hours	40.00