



**BALTAC SEWAGE COLLECTION  
SYSTEM REGULATION  
BYLAW NO. 2212, 2010**

# REGIONAL DISTRICT OF EAST KOOTENAY

## BYLAW NO. 2212

A bylaw to establish regulations for the Baltac Sewage Collection System.

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WHEREAS Bylaw No. 2080 established the Baltac Sewage Collection System Service;

AND WHEREAS it is necessary to regulate and manage the Baltac Sewage Collection System;

NOW THEREFORE, the Board of the Regional District of East Kootenay, in open meeting assembled, enacts as follows:

### 1. CITING

This Bylaw may be cited as "Regional District of East Kootenay - Baltac Sewage Collection System Regulation Bylaw No. 2212, 2010".

### 2. INTERPRETATION

2.1 In this Bylaw, the following definitions apply:

**Authorized Agent** includes a *Person*, firm or corporation representing the *RDEK* by written consent.

**Board** means the Board of Directors of the *RDEK*.

**Contracted Operator** means a company that is contracted by the *RDEK* and agrees to operate and maintain the *Sewer System* on behalf of the *RDEK*.

**Manager** means the *RDEK* Engineering Services Manager or his designate.

**Owner** means any *Person* who is the Owner or agent for the Owner of any premises (property) which are connected to the *Sewer System*.

**Person** includes any person, corporation, partnership, or party, and the heirs, executors, administrators, or other legal representatives of such person, to whom the context can apply according to law.

**RDEK** means the Regional District of East Kootenay.

**Service Area** means the Baltac Sewage Collection System Service Area established by Bylaw No. 2080.

**Sewer Connection** means the sewer pipe and its integral appurtenances which are placed from the sewer main (and generally at right angles thereto) to the *Owner's* property line.

**Sewer System** means the Baltac Sewage Collection System.

**Works** means the sewer works of the *Sewer System*.

2.2 All words, in this Bylaw, referring to any *Person*, *Owner* or applicant shall be taken to be of such number and gender as the context and the facts may require and shall also include a corporation or partnership.

### 3. DELEGATION OF AUTHORITY

3.1 The *Manager* shall have power, subject to the consent of the *Board*, to employ or contract personnel deemed necessary to carry out the provisions of this Bylaw, and whenever the *Manager* is authorized or directed to perform any act or duty under this Bylaw, such act or duty may be performed by any personnel authorized by such *Manager* to perform such act or duty.

3.2 The *Manager* is hereby authorized and directed to have general supervision over the installation, construction, inspection, and maintenance of all *Works* in the *Service Area*.

#### 4. REQUIRED CONNECTION

- 4.1 Within three (3) years of the date of adoption of this Bylaw, all properties within the *Service Area* and on which is situated a building or structure from which sewage is generated, must be connected to the *Sewer System*.
- 4.2 Every building in which plumbing fixtures are installed shall have all such fixtures connected to the *Sewer System*.
- 4.3 In the case of default of any *Owner* connecting any premise (property) to the *Sewer System*, as required under Section 5.1 of this Bylaw, the connection may be made by the *RDEK* at the *Owner's* expense.

#### 5. CONNECTIONS

- 5.1 The *RDEK* shall have the right to limit the number of connections to the *Sewer System*.
- 5.2 All applications for connection to the *Sewer System* shall be made in writing on the application form provided by the *RDEK* or the *Contracted Operator*, by the *Owner* of the property to which the application refers, or by the *Owner's* duly authorized agent.
- 5.3 Each application for connection to the *Sewer System* shall give a full and true statement of the legal description and location of the property or building to which the connection is to be made, the size and description of the premises and all other information that may be necessary.
- 5.4 The *RDEK* or the *Contracted Operator* reserves the right to refuse any application for connection to the *Sewer System* for sewage collection or treatment reasons or where the applicant has overdue user fees.
- 5.5 All new connections to the *Sewer System* are subject to the applicable fees as set out by the *Contracted Operator* and approved by the *RDEK*.

#### 6. OWNERSHIP

- 6.1 All pipes, connections, appurtenances or facilities required for sewage collection and disposal service to the *Owner's* property line which are constructed, whether at the *Owner's* expense or *RDEK* expense, in present or future public highways or within *RDEK* right-of-way property, shall be the property of the *RDEK*.

#### 7. CONDITIONS OF SERVICE

- 7.1 Nothing contained in this Bylaw shall be construed to impose any liability on the *RDEK* to provide continuous sewage collection and disposal service to any *Person* or premises (property) within the *Service Area*.
- 7.2 At their own risk and expense, all *Persons* within the *Service Area* shall keep the service pipes and fittings on their own premises (property) in good order and repair, and protect them from frost.
- 7.3 Each *Owner* shall be responsible for the repair and maintenance of all pipes and fixtures between the main and his premises (property).
- 7.4 Every plumbing system shall conform to the appropriate government regulations and these regulations shall govern the administration and minimum requirements for the installation of sewer services to all premises (property) located within the *Service Area*.
- 7.5 The *Manager* and the *Contracted Operator* are authorized to inspect all buildings and premises (property) which are connected to the *Sewer System* and shall keep records of applications for services and a full description of all *Works* constructed.

- 7.6 Every *Person* to whom sewage collection and disposal service is supplied under this Bylaw shall at all reasonable times allow the *Manager* or the *Contracted Operator* to enter into and upon the premises (property) in respect of which such service is supplied for the purpose of inspecting the sewer pipes, fixtures and fittings used in connection with such sewage collection and disposal service.

## 8. USER FEES

- 8.1 User fees are imposed and levied against the *Owners* or occupiers of land or real property whose property is connected to the *Sewer System*, classified in accordance with the *Contracted Operator's* fee schedule as approved by the *RDEK*.
- 8.2 The user fees shall take effect from the first day connection is made from the building or structure to the sewer main serving the property.

## 9. PROHIBITIONS

- 9.1 No *Person* shall obstruct or prevent the *Manager* or the *Contracted Operator* from carrying out any or all of the provisions of this Bylaw, nor shall any *Person* refuse to grant the *Manager* or the *Contracted Operator* permission to inspect any *Works* at any reasonable time.
- 9.2 No *Person* other than the *RDEK* or the *Contracted Operator* shall tap or make any connection whatsoever with any of the public or private pipes.
- 9.3 No *Person* except the *Manager* shall interfere in any way with any *Sewer System* appurtenances.
- 9.4 No work of any kind connected with the *Sewer System*, either for the laying of new or repair of old service pipes, shall be done on or under any street or lane within the *Service Area* by any *Person* other than the *Manager* or a *Person* authorized by the *Manager*.
- 9.5 No unauthorized *Person* shall in any way interfere or tamper with any pipe, fixture, fitting or appliance of or connected with the *Sewer System* whether on his own premises (property) or elsewhere.
- 9.6 No *Person* shall deposit or allow or cause to enter into the *Sewer System* the sludge or material contained in any existing septic tank, except at an approved location.
- 9.7 *Sewer Connections* shall not be used at any time whatsoever for storm water drainage purposes.
- 9.8 Storm sewer and storm drain connections shall not be used for the purpose of conveying sanitary effluent.
- 9.9 No *Person* shall connect or cause to be connected any storm drainage system to a sanitary sewer, and no *Person* shall connect any waste water to a storm sewer.
- 9.10 No *Person* shall connect or allow or cause any septic tank to be connected in any way with the *Sewer System*.

## 10. PENALTIES

- 10.1 Every *Person* who:
- (a) violates any of the provisions of this Bylaw;
  - (b) suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw;
  - (c) neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw; or
  - (d) does any act which violates any of the provisions of this Bylaw;
- is guilty of an offence against this Bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.

- 10.2 Every *Person* who commits an offence against this Bylaw is liable to a fine and penalty of not more than \$2,000.00 and not less than \$500.00 for each offence, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge shall direct, the fine imposed shall be recoverable under the provisions of the *Offence Act*.

## 11. SEVERABILITY

- 11.1 If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME the 4<sup>th</sup> day of June, 2010.

READ A SECOND TIME the 4<sup>th</sup> day of June, 2010.

READ A THIRD TIME the 4<sup>th</sup> day of June, 2010.

ADOPTED the 4<sup>th</sup> day of June, 2010.

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"Scott Manjak"

CHAIR

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"Lee-Ann Crane"

CORPORATE OFFICER