

**DISTRICT OF LANTZVILLE  
BYLAW NO. 265**

**A BYLAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS,  
THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE  
DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM**

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**WHEREAS** the Council of the District of Lantzville has constructed and maintains a sewerage collection system; and

**WHEREAS** it is deemed necessary to provide for connection, installation, maintenance, and use of the District's public sewer system, and to regulate activity related to the discharge of waste into the system;

**NOW THEREFORE** the Council of the District of Lantzville, in open meeting assembled, enacts as follows:

**CITATION**

1. This Bylaw may be cited for all purposes as the "District of Lantzville Sewer Connection and Regulation Bylaw No. 265, 2021".

**INTERPRETATION**

2. Except as otherwise indicated, words and phrases in this Bylaw have the same meanings as in the *Community Charter*, *Local Government Act*, *Environmental Management Act*, and *Interpretation Act* as the context and circumstances may require. A reference to an Act refers to a statute of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as amended or replaced from time to time.

**DEFINITIONS**

- 3.1 In this Bylaw:

**"Actual Cost"** means a cost determined by the **District** and which includes the amount expended by the **District** for gross wages and salaries, employee fringe benefits, materials, equipment rental rates at rates paid by the **District** or set by the **District** for its own equipment and any other expenditures incurred in doing the work.

**"Approval"** means **approval** or **approved** in writing by the **Director of Public Works** or other official having jurisdiction.

**"Building drain"** means that part of the lowest horizontal piping that conducts **sewage, uncontaminated water, or storm water** to a **building sewer**.

**"Building sewer"** means a pipe that is connected to a **building drain** outside a wall of a building and that leads to a **public sewer** or private **sewage-disposal** system.

**"Contaminant"** means any substance, whether dissolved or suspended, or any water quality parameter that, when present above a certain concentration in water, or waste water:

- (a) Injures, or is capable of injuring, the health or safety of a person;
- (b) Injures, or is capable of injuring, property or any life form;

- (c) Interferes with, or is capable of interfering with, the proper operation of a **sewage treatment plant**;
- (d) Causes, or is capable of causing, material physical discomfort to a person; or
- (e) Damages, or is capable of damaging, the environment.

“**Director of Public Works**” or “**Director**” means the **Director of Public Works** for the **District** or authorized deputy or designate.

“**District**” means the District of Lantzville.

“**Fees and Charges Bylaw**” means the “District of Lantzville Miscellaneous Fees and Charges Bylaw No. 26 - 2004”.

“**Garbage**” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

“**Industrial waste(s)**” means liquid waste resulting from the processes employed in industrial establishments, including, among others, industrial cooling water, wastes from dry-cleaning establishments, food-processing and packaging plants, gas and oil refineries, and storage depots, but does not include domestic **sewage**.

“**Owner(s)**” means the person who is the registered **owner** on title under the *Land Title Act*, and in relation to the common property of a strata corporation, includes the strata corporation.

“**Public sewer**” means a common **sewer** directly controlled by a public authority, and shall include main **sewer**, lateral **sewer**, and **sewer connection**.

“**Public Sewer System**” means all sewerage works owned and operated by the **District** for the collection, conveyance and disposal of **sewage**, and drainage works for the impounding, conveying and discharging of surface and other waters, or both, and includes all appurtenances to such works.

“**Sanitary sewage**” means that portion of **sewage** exclusive of **industrial wastes** and **storm waters**.

“**Sanitary sewer**” means a **sewer** that transports **sewage** or clear-water waste, but does not intentionally admit **storm water**.

“**Sewage system**” means all **District**-owned facilities for collecting, pumping, treating and disposing of **sewage**.

“**Sewage**” means any liquid waste containing animal, mineral or vegetable matter in suspension or solution.

“**Sewer**” means a pipe or conduit including manholes and other appurtenances, for transporting **sewage**.

“**Sewer connection**” means that part of the **building sewer** extending from the **public sewer** to the property line of the property being served, or where the **public sewer** is located within an easement or right of way, that part of the **building sewer** extending from the **public sewer** to the boundary of the easement or right of way.

**"Sewage treatment plant"** means any arrangement of devices and structures used for or intended to be used for treating **sewage**.

**"Storm sewer or storm drain"** means a **sewer** that is installed to convey **storm water**.

**"Storm water(s)"** means water that is discharged from a surface as a result of rainfall or snowfall.

**"Trucked Liquid Waste"** means wastewater from a septic tank, holding tank or portable toilet facility.

**"Uncontaminated Water"** means any water, other than **storm water** or groundwater, to which no **contaminant** has been added as a consequence of its use or to modify its use by any person.

**"Watercourse"** means a channel in which a flow of water occurs either continuously or intermittently, and without limitation, includes a river, stream, creek, lake, pond, wetland, and ditch.

- 3.2 Nothing in this Bylaw relieves any person from complying with any and all Federal, Provincial enactments, a bylaw of the Regional District of Nanaimo, any other bylaw of the **District**, or a requirement of any lawful permit, order or licence applicable to the discharge of water, **sewage**, or waste of any kind. Where any inconsistency among such enactments, permits, orders or licences exist, the stricter one shall prevail.

## **SEVERABILITY**

4. If any section, paragraph, clause or word of this Bylaw is held to be invalid or unenforceable by a court of competent jurisdiction, that portion is severed from the Bylaw and the remaining portions continue to be valid and enforceable.

## **USE OF PUBLIC SEWERS REQUIRED**

5. No person shall place, deposit or permit to be deposited any human or animal excrement, **garbage** or other waste upon public or private property within the **District** in any manner that is unsanitary.
6. No person shall discharge into any ditch, **storm drain**, **storm sewer**, or **watercourse** any **sanitary sewage**, **industrial wastes**, petroleum products, coal tar or other similar materials, or any refuse or substance arising from the manufacture, handling or processing of gas or petroleum products.
7. Except as permitted by the Bylaw and the *Public Health Act*, no person shall construct or maintain any privy, septic tank, cesspool, or other facility intended or used for the disposal of **sewage**.
8. Every **owner** of land within the **District** abutting on any street, alley, or right of way in which there is located any part of the **public sewer system** must, within the time set out by the **Director of Public Works** in a notice delivered to the **owner**, connect a building or structure on the land directly with the **public sewer system** in accordance with this Bylaw in any of the following circumstances:

- (a) if the building or structure involving the use of water is proposed to be constructed or installed;
- (b) if the existing building or structure is proposed to be altered or expanded involving an increase in the existing use of water such that a new or additional **building sewer** may be required; or
- (c) if required to connect to the **public sewer system** pursuant to a local area service bylaw,

and must thereafter pay user fees applicable to the property as set out in the **Fees and Charges Bylaw**.

- 9. In the event that an **owner** who has been required to connect a building to a **public sewer system** pursuant to Section 8 fails or neglects to connect the said building with the **public sewer system** within the time stated in the notice, the **Director of Public Works** may arrange to have the work done by **District** employees or contractors at the expense of the **owner**.
- 10. The **actual cost** of any work carried out by the **District** in default of the **owner** becomes a debt due to the **District**, and if not paid in full by December 31<sup>st</sup> may be recovered from the **owner** in the same manner as for property taxes.
- 11. The **Director of Public Works** may, upon written application by an **owner**, waive in written form the requirement of Section 8 to connect for an indefinite period of time as it applies to that **owner**, if the **Director** determines that in the circumstances, the connection to the **public sewer system** is not feasible and another method of dealing with **sewage** or drainage is available and meets the purposes of this Bylaw.
- 12. No person shall connect a septic tank to the **public sewer system** without first obtaining written **approval** of the **Director of Public Works**, who may withhold **approval** until satisfied that the connection complies with the provisions of this Bylaw.
- 13. No person shall discharge or permit the discharge of any **trucked liquid waste**, sludge or any deposit contained in a septic system into a **public sewer**.

#### **PRIVATE SEWAGE DISPOSAL**

- 14. Where a **public sewer** is not available under Section 8, the **owner** must ensure that the **building sewer** is connected to a private **sewage** disposal system complying with this Bylaw and the *Public Health Act*.
- 15. The **owner** shall operate and maintain the private **sewage** disposal facilities in a sanitary manner at all times, at no expense to the **District**.
- 16. At such a time as a **public sewer** becomes available to a property served by a private **sewage** disposal system, on being notified by the **Director of Public Works**, the **owner** must apply for a direct connection to the **public sewer system** and Sections 8 through 10 apply to the **owner** of the property.

17. The **owner** shall ensure that after connection to the **public sewer**, any septic tanks, cesspools, and similar private **sewage** disposal facilities are decommissioned within a time set out in a notice delivered to the **owner** by the **Director of Public Works**.

## **BUILDING SEWERS AND CONNECTIONS**

18. No **sewer connection** shall be constructed on any road allowance, easement, or other public land except by the **District** or under a contract or agreement with the **District**.
19. No person shall uncover, make any connections with, or opening into, use, alter, or disturb any **public sewer** or appurtenance thereof without first obtaining written permission from the **Director of Public Works**.
20. No **person** shall connect any building to a **sewer connection** except in accordance with the provisions of this Bylaw.
21. An **owner** whose land or building is required to be connected to the **public sewer system**, must submit an application to the **Director of Public Works**, in a form **approved** by the **Director**, accompanied by the applicable fees as prescribed in the **Fees and Charges Bylaw** including the applicable **sewer connection** inspection fee set out in the **Fees and Charges Bylaw**.
22. An applicant for connection to the **public sewer system** must provide the following information in complete and accurate form:
  - (a) registered **owner** of the land and building;
  - (b) name and business contact information of applicant, if different from (a);
  - (c) subject property civic address;
  - (d) proposed or current use of building or structure to be connected;
  - (e) on-site servicing drawings;
  - (f) proposed depth of service (metres) at property line;
  - (g) plumbing contractor, business contact information, and certification requirements; and
  - (h) such other information as the **Director** may require pursuant to this Bylaw.
23. The **Director of Public Works** will, on reviewing an application, calculate the **actual cost** of connecting the **building sewer** to the **public sewer**, and may provide written **approval** of a connection to a property or building if:
  - (a) satisfied that the requirements of this Bylaw, the *British Columbia Plumbing Code*, and other applicable enactments will be met; and
  - (b) the **District** has received payment for the **actual cost** of connecting the **building sewer** to the **public sewer system**.
24. The **owner** must pay for the **actual cost** of connecting the **building sewer** to the **public sewer system**. If the **actual costs** of connecting to the **public sewer system**, along with any related fees or charges, are not paid within the time required by this Bylaw or as set out on an invoice from the **District**, the **actual costs**, fees and charges become a debt owing to the **District** by the **owner** of the property to be connected.

25. Any costs, fees or charges related to **sewer connection** or use, if not paid in full by December 31<sup>st</sup>, may be collected by the **District** from the **owner** of the subject property in the same manner as for property taxes.
26. Any required charges or costs referred to in this Bylaw do not include works within the property of the applicant, where all costs and expenses incident to the installation and connection of the **building sewer** shall be borne by the **owner**.
27. The **Director of Public Works** may refuse to approve a **sewer connection** if in the **Director’s** opinion,
  - (a) the **public sewer** is incapable of handling the additional load which would be caused thereby with the resultant danger of the **sewer** overflowing and flooding the applicant's property or another property;
  - (b) that the **sewage** proposed to be discharged into the **public sewer** is likely to obstruct, damage, or injure the **public sewer system**, or impair the efficiency thereof; or
  - (c) that such **sewage** will not comply with the limitations and provisions contained in this Bylaw or the Regional District of Nanaimo “Regional Sewage Source Control Bylaw No. 1730, 2015”.
28. In the event a new **sewer connection** is required to be laid from the **public sewer** to the applicant's property line, the **Director of Public Works** may delay construction of such connection if, because of high water table, frost, or other winter conditions, the cost of the connection could be excessive in the opinion of the **Director**. If, despite such decision by the **Director**, the applicant demands the connection to be constructed during such conditions, the difference between the connection charge referred to in Section 21 and the **actual cost** shall be paid by the applicant.
29. Old **sewer connections** may be used for new buildings only when they are found, pursuant to an inspection, at the cost of the **owner**, to comply with the requirements of this Bylaw.
30. The **owner** of a property must ensure that any and all **building sewers** are constructed and maintained in accordance with the *British Columbia Plumbing Code*.
31. The applicant for connection to the **public sewer system** shall notify the **Director of Public Works** when the **sewer connection** is ready for inspection. After backfilling, the applicant shall carry out an exfiltration test that must be witnessed by the **Director** or a person designated by the **Director**.
32. Materials and workmanship which, in the opinion of the **Director of Public Works**, are defective or otherwise not in accordance with the provisions of this or any other relevant Bylaw shall be removed and replaced by the **owner** at the direction of the **Director** and the **sewer connection** shall not be covered or backfilled unless and until the said **sewer** has been accepted and **approved** by the **Director**.
33. If the **owner** has not completed work on the **building sewer** within the time stated on the **approval** by the **Director**, the **approval** shall expire.

34. The **owner** shall not make or attempt a connection below the water table until the trench is dewatered to the satisfaction of the **Director of Public Works**.
35. After a building has been connected to the **public sewer** all **sewage** from that building shall be discharged through the **building sewer**, and no **person** shall cause or permit such **sewage** to be drained, discharged, or disposed of in any other manner.

## USE OF PUBLIC SEWERS

36. No person shall discharge or cause or allow to be discharged any **storm water**, surface water, ground water, roof runoff, foundation drains, sumps, or other collectors of surface or ground water, cooling water, or **industrial waste** to any **sanitary sewer**.
37. No person shall construct or cause or allow the construction of any conveyance system that is capable of discharging to the **sanitary sewer** any **industrial waste**, basement groundwater, or roof runoff.
38. No person shall discharge or cause or allow to be discharged into any **public sewer** any substance of a kind or quality the discharge of which contravenes Regional District of Nanaimo “Regional Sewage Source Control Bylaw No. 1730, 2015”, whether or not that substance would otherwise be permitted under the provisions of this Bylaw.
39. Without limiting the prohibition of section 38, no person shall discharge, or cause or allow a discharge into the **public sewer** of any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in **sewers**, or other interference with the proper operation of the **sewage** works such as, but not limited to, sanitary wipes, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground **garbage**, whole blood, paunch manure, hair, entrails, shells, and paper dishes, cups, or milk containers, either whole or ground by **garbage** grinders.
40. The **owner** or occupant of a property where:
  - (a) a prohibited discharge is occurring or has occurred, whether or not intentionally;  
or
  - (b) any defect in or damage to a **building sewer** or **sewer connection** is found that could result in damage to, or the release of any **contaminants** into the **public sewer**,must immediately notify the **Director of Public Works** of such discharge, defect or damage.
41. An **owner** or occupant of a property described in section 40 must comply with any and all directions of the **Director of Public Works** to have the matter investigated, to report the matter to the Sewage Control Manager of the Regional District of Nanaimo, and to take any measures recommended by either official to remedy, mitigate or contain the discharge or damage.

## PROTECTION FROM DAMAGE

42. Other than an employee or contractor of the **District** in performing their authorized work obligations, no person shall break, damage, destroy, uncover, deface, interfere or tamper with any structure, appurtenance, or equipment which is part of the **public sewer system**.
43. **Owners** and occupiers must maintain the **building sewer** on their property in a good state of repair. Where any stoppage occurs in a **building sewer**, the **owner** or occupier must clear the stoppage or cause the stoppage to be cleared by a registered plumber. The cost of clearing a stoppage in a **building sewer** must be borne by the **owner** of the property.

## INSPECTIONS

44. No person shall hinder or prevent the **Director of Public Works**, a **person** authorized by the **Director**, or a bylaw enforcement officer from entering any premises or from carrying out his or her duties with respect to the administration of this Bylaw.
45. In accordance with section 16 of the *Community Charter*, the **Director of Public Works** and other municipal employees, may enter at all reasonable times on any property that is subject to this Bylaw to ascertain whether the regulations, prohibitions and the requirements of this Bylaw are being met.
46. If an inspection under Section 45 uncovers any failure, omission, or neglect to clean out sumps, or uncovers any defect in the location, construction, design, or maintenance of any of the **sewage system** or any connection of roof drains, surface water drains, or drains of **uncontaminated water** to the **public sewer**, the person making such inspection may, in writing, notify the said **owner**, proprietor or occupier to rectify the cause of complaint.

## ENFORCEMENT AND PENALTIES

47. A person who:
  - (a) contravenes this Bylaw;
  - (b) permits, suffers or allows any act or thing to be done in contravention of this Bylaw; or
  - (c) fails or neglects to do anything required to be done under this Bylaw,commits an offence. Each day that a violation occurs or continues shall constitute a separate offence.
48. A person found guilty of contravening this Bylaw is liable to pay:
  - (a) a fine of not less than \$1,000 and not more than \$50,000, together with the cost of prosecution, if proceedings are brought under the *Offence Act*;
  - (b) a fine of up to \$1,000 if a ticket is issued under “District of Lantzville Municipal Ticket Information Bylaw No. 100, 2012”; or



(c) a penalty in the amount established in a bylaw under the *Local Government Bylaw Notice Enforcement Act*.

49. In addition to the payment of a penalty or fine in relation to an offence, a person violating any of the provisions of this Bylaw may be liable to civil proceedings by the **District** to recover expenses, loss or damage incurred by the **District** resulting from such violation.

**REPEAL**

50. “District of Lantzville Sewer Rates and Regulations Bylaw No. 66, 2007”, and all amendments thereto, is hereby repealed.

51. “District of Lantzville Sewer Use Regulatory Bylaw No. 49, 2007”, and all amendments thereto, is hereby repealed.

**READ A FIRST TIME** this 17<sup>th</sup> day of February, 2021.

**READ A SECOND TIME** this 17<sup>th</sup> day of February, 2021.

**READ A THIRD TIME** this 17<sup>th</sup> day of February, 2021.

**ADOPTED** this 3<sup>rd</sup> day of March, 2021.

*ORIGINAL SIGNED*

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Mark Swain, Mayor

*ORIGINAL SIGNED*

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Trudy Coates, Director of Corporate Administration