

VILLAGE OF DUNNOTTAR

BY-LAW NO. 952/18

Being a By-Law of the Village of Dunnottar to provide for the regulation, inspection and repair of holding tanks and/or other sewage disposal systems.

WHEREAS The Municipal Act, S.M. 1996, c. 58 provides, in part, as follows:

- 232(1) A council may pass by-laws for municipal purposes respecting the following matters:
- a) the safety, health, protection and well-being of people, and the safety and protection of property;
 - b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
 - c) subject to section 233, activities or things in or on private property;
 - l) public utilities;
 - o) the enforcement of by-laws.
- 232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
- a) regulate or prohibit;
 - d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
 - e) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;
- 233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of
- a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
 - d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS the Council of the Village of Dunnottar deems it advisable and in the best interest of the Village to provide for the regulation, inspection and repair of holding tanks and/or other sewage disposal systems within the Village.

NOW THEREFORE the Council of the Village of Dunnottar in regular session assembled, enacts as follows:

- 1) Where used in this By-Law, unless the context otherwise requires:
 - a) **Designated Officer** means a person appointed under the Designated Officer By-Law of the Village of Dunnottar;
 - b) **Environment Officer** means the Public Health Inspector/Environment Officer as persons appointed or designated under The Environment Act;
 - c) **Holding tank** means a watertight receptacle designed to retain sewage or sewage effluent;
 - d) **Insanitary condition** means any nuisance or any condition, matter or thing which, in the opinion of a Designated Officer or Environment Officer, may be injurious to health or which in his or her opinion may result in the creation of a garbage control problem or a nuisance
 - e) **Occupier** means the person in occupation of a premises, or if it is vacant, the person in charge thereof;

- f) **Residence** shall include a building, house, tent, trailer or other accommodation that is used for human habitation or to provide food, lodging or entertainment for a human being or human beings or used for commercial or industrial purposes;
- g) **Sewage** means human body, toilet, sink, laundry, or other grey water waste;
- h) **Solids** shall mean the contents of the primary cell of a holding tank;
- i) **Village** means the Village of Dunnottar.

2) Holding Tank Inspection Services

- a) All holding tanks now or hereafter installed in the Village shall be constructed and maintained in compliance with the regulations under The Environment Act, and to the satisfaction of the Designated Officer.
 - b) All holding tanks now or hereafter installed within the Village shall have a leakproof collar or other leakproof connection to the plumbing system.
 - c) When in the opinion of the Designated Officer he has reason to believe a holding tank does not comply with the requirements imposed by this By-Law or any other Provincial Act or any other By-Law, the Designated Officer may inspect the installation.
 - d) When, after completion of the inspection referred to above, the sewage disposal system or holding tank is found not to comply with the requirements applicable to plumbing systems as contained in this or any other By-Law or any Act of the Manitoba Legislature, the Designated Officer shall issue a “Notice of Holding Tank Inspection” in the form attached hereto. The time allowed for completion of those matters referred to in such notice shall be 30 days.
 - e) Where an owner of a sewage disposal system or holding tank has been issued a “Notice of Holding Tank Inspection” and has failed to complete any necessary alterations or repairs in the time stated on the aforementioned notice, the Designated Officer may suspend sewage collection services until such time as the required repairs/alterations are completed and inspected.
 - f) When requested by the owner or authorized agent to inspect a holding tank, whether existing or new installation, the fee charged will be as described in the “Fees and Charges By-Law” in effect at the time.
- 3) No septic tank systems using a disposal field shall be utilized in the Village of Dunnottar.
- 4) No holding tank system shall be constructed or installed in the Village unless approval to do so has been obtained from the Environment Officer, and any such construction or installation shall be carried out in such manner, and with such materials and located in such area as approved by the Environment Officer and the Designated Officer.
- 5) No modified or special-type indoor closet shall be constructed or installed in the Village,
- a) unless approved by the Environment Officer, and any such construction or installation shall be carried out in such manner and with such materials, and located in such area as he may direct.
- 6) Holding Tank Services – Additional Pump outs**
- a) The emptying of a holding tank shall mean the removal by pumping of the contents thereof, or of 1,000 gallons of liquid waste whichever shall be the lesser amount. The emptying of the “solids” shall not be included in the regular weekly service but may be requested as an additional pumpout from the Village Contractor.
 - b) Where a property requires the holding tank to be emptied more than once in a week, they may contact the Village Contractor to request same, the charge for each additional pumpout shall be paid before the service is received and shall be for the amount of an additional pumpout as identified in the by-law governing the Sewage Hauling Agreement in effect at the time.
 - c) Where an order is received from the Environment Officer to empty a holding tank more than once a week, the owner or occupant of the property of which the service is rendered shall pay the amount of an additional pumpout as identified in the by-law governing the Sewage Hauling Agreement in effect at the time.
- 7) Any person who contravenes any provision of this By-Law is guilty of an offence, and
- a) liable to a fine not exceeding \$1,000.00 and costs.

