

By-Law 329-2010

By-law on the mandatory emptying of septic tanks in the Municipality of West-Bolton.

Whereas: Article 3.2 of the *Regulation respecting waste water disposal systems for isolated dwellings* (L.R.Q., 1981 c Q-2, r.88) foresees that the owner or user of a waste water disposal system is responsible for its maintenance;

Whereas: Article 13 of the same by-law stipulates that a septic tank must be emptied at least once every 2 years when the building it serves is occupied permanently and once every 4 years when the building it serves is occupied on a seasonal basis (180 days or less per year);

Whereas: The deadline for the first time pumping for year round residents is December 1st, 2012 and December 1st, 2014 for part time residents and then every two or four years thereafter;

Whereas: Article 88 of the said by-law foresees that every municipality shall be responsible of the application of these regulations;

Whereas: The Municipality of West-Bolton wishes to establish ways of control to ensure periodical emptying of septic tanks on its territory;

Whereas: Article 25.1 the *By-law on Municipal Powers* (L.R.Q., c. C-47.1) foresees that any local municipality can maintain a private waste water disposal system and collect the corresponding costs from its owner;

Whereas: Article 96 of the said by-law foresees that all sums due to the municipality following an intervention in virtue of this bylaw can be collected in the same manner that outstanding municipal taxes can be recuperated when the amount due is related to an immovable and the debtors is the owner of this immovable;

Whereas: The municipal council considers it is in the best interest of the residents of West-Bolton to adopt measures regarding the emptying of septic tanks on its territory;

Whereas: A notice of motion was given during the council meeting held on December 11th 2009;

Therefore, the following is ordained and decreed that:

Section 1 «Interpretive and administrative provisions »

Article 1: Title of bylaw

This by-law shall be known as “By-Law 329-2010 concerning the emptying of septic tanks in the Municipality of West-Bolton”. The preamble is an integral part of the present by-law.

Article 2. : APPLICATION

This by-law applies to the territory of the Municipality of West Bolton

Article 3: SCOPE

To control the emptying of septic tanks in the municipality, prevent pollution of soil, water and of the environment. To guarantee that sludge and solids be disposed in authorized sites in virtue of all laws and regulations concerning environment protection.

Article 4: TERMINOLOGY

For purposes of interpreting this by-law, unless the context indicates otherwise, the following terms mean:

Act (an): Environment Quality Act (R.S.Q., c. Q-2);

Building : Structure having a roof supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals or goods which is not connected to a municipal sewer system authorized under section 32 of the *Environment Quality Act* (R.S.Q., c. Q-2);

Council: the municipal council of West-Bolton;

Designated person : the person in charge of the application of the present by-law: the person in charge of issuing permits and certificates, the person in charge of public works, the director-general and any other person designated by council;

Emptying: maintenance operation where the solids and the sludge are completely extracted from the septic tank or from the holding tank;

Grey water: kitchen, bathroom, laundry water and water coming from any appliance other than a toilet;

Holding tank : A watertight tank intended for storing sewage from a chemical or low-flush toilet or grey water before haulage;

Isolated dwelling: a single or multi-family house containing 6 bedrooms or fewer which is not connected to a sewer system authorized under section 32 of the Act; any other building discharging waste water only and whose total daily flow is no more than 3240 litres is considered to be an isolated dwelling;

Occupant: physical person, such as an owner or a tenant who lives or occupies a building on a permanent or seasonal basis;

Owner: a physical person or a company listed on the evaluation roll of the municipality as owner of an immovable on which is located a building governed by the present by-law;

Municipality: the Municipality of West-Bolton;

Permanent occupation: occupation or use of a building for more than 180 days per year;

Person: a physical person;

Seasonal occupation: occupation or use of a building for 180 days or less per year;

Septic tank: a primary treatment system composed of a tank intended for receiving waste water or grey water;

Sludge: solids, scum and liquids from the toilet effluents;

Waste water: toilet effluents combined with grey water;

Section 2 « Normative dispositions »

Article 5: DECLARATION OF THE TYPE OF OCCUPANCY OF A BUILDING

All buildings are considered to be occupied permanently unless a written declaration is transmitted to the municipal employee responsible for the enforcement of the bylaw, stating that the building is occupied on a seasonal basis (180 days or less per year). The declaration must be presented on the appropriate form entitled “*Declaration or notice of change of type of occupancy of a building*” which is annexed to the present by-law.

Article 6: NOTICE OF CHANGE OF THE TYPE OF OCCUPANCY OF A BUILDING

The owner of a building is required to advise the municipality of any change in the type of occupancy (permanent or seasonal). The notice must be presented on the appropriate form entitled “*Declaration or notice of change of type of occupancy of a building*” annexed to the present by-law.

Article 7: EMPTYING SCHEDULE

7.1 A septic tank must be emptied according to the following schedule:

- a) At least once every 2 years when the building it serves is occupied permanently.
- b) At least once every 4 years when the building it serves is occupied on a seasonal basis (180 days or less per year).

7.2 A holding tank must be emptied as often as required to prevent waste water from overflowing in the environment.

Article 8: PROOF OF EMPTYING

8.1 The owner of a building that is connected to a septic tank must transmit, by any means, a copy of the bill attesting that the emptying of the septic tank was performed in conformity with the present by-law.

The bill must contain:

- Name and address of the company;
- Date of the emptying;
- Address of the property where the tank was emptied;
- Signature of the person who performed the emptying.

The proof of the emptying shall be received before December 1st of the year it was performed.

8.2 The owner of a building that is connected to a holding tank must transmit, by any means, a copy of each bill attesting that the emptying of the tank was performed in conformity with the present by-law.

The proof of the emptying shall be received before December 1st of the year it was performed

8.3 Only the bills issued from qualified enterprises that have access to a disposal site authorized by the Ministère du Développement durable, de l'Environnement et des Parcs are accepted as proof of the emptying.

Section 3 « Dispositions concerning inspection and enforcement»

Article 9: ENFORCEMENT

The person in charge of issuing permits and certificates is in charge of the application of the present by-law. Administrative duties are fulfilled by the designated person as defined in Section 1.

Article 10: INSPECTION VISITS

The designated person is authorized to visit and inspect, between 7h00 A.M. and 7h00 P.M., any immovable, including the inside of a house, garage, barn or any other building to verify that the present by-law is respected.

The owner, the tenant, the occupant or the person in charge of the property must welcome the designated person and answer all questions regarding the present by-law.

Article 11: EMPTYING OF A SEPTIC TANK BY THE MUNICIPALITY

11.1 Supervision of the emptying of septic tanks.

The designated person is authorized to organize and execute the emptying of all septic tanks for which no proof have been received before the deadline established in article 8. For this purpose, the designated person is authorized to enter the property, between 7h00 A.M. and 7h00 P.M., along with the necessary manpower and equipment to empty a septic tank, from May 1st to November 30th of each year.

11.2 Notice

11.2.1 Before proceeding with the emptying of a septic tank, the designated person transmits a written notice to the owner of the property on which the septic tank to be emptied is located. The notice shall be given at least forty eight (48) hours before the operation to empty the tank

The notice can be either, mailed, deposited in the mailbox, attached to the mailbox or to the entry door of the residence or posted anywhere it is easily noticeable for someone who walks through the door.

11.2.2 An owner who has not received such notice remains responsible of all costs incurred by the municipality for the emptying of the septic tank located on his property. In addition with the charges for the pumping truck, the owner is also responsible for the costs of excavating (mechanically or manually) to access the openings of a septic tank. The owner is also responsible for the costs related to the moving of objects and materials that prevent access to the covers of the septic tank

Article 12: REIMBURSEMENT OF THE EXPENSES INCURRED BY THE MUNICIPALITY_

Each owner for whom the municipality has performed the emptying of a septic tank in conformity with article 11 of the present by-law shall reimburse the municipality all costs incurred. The sums due include all costs associated with the works described in article 11.2.2. These amounts are distinct from any penalties that the owner could be charged for in accordance with Section 4 of the present by-law. As stipulated in article 96 of the By-law on Municipal Powers, the sums due to the municipality, following an intervention to maintain a private waste water disposal system, are comparable to a property tax and, as such, can be collected accordingly.

Section 4 « Final provisions »

Article 13: FINES

Any violation of a provision of this Regulation makes the owner of a system for the discharge, collection or disposal of waste water, grey water, or toilet effluents liable to:

1. For a first infraction, a minimum fine of two hundred dollars (200.00\$) and a maximum fine of one thousand dollars (\$1 000.00).
2. For a second infraction, a minimum fine of four hundred dollars (400.00\$) and a maximum fine of two thousand dollars (\$2 000.00).

When an infraction lasts for more than one day, each additional day accounts for one separate infraction and the owner is subject to one fine per each day that the infraction lasted.

Article 14: OTHER RECOURSES

The penalty claims listed in the previous articles do not restrict in any way the rights of the municipality to exercise other claims or to exercise its rights.

Section 5 « Final dispositions »

Article 15: COMING INTO FORCE

The present bylaw will come into force in conformity with the law.

Adopted and signed at West Bolton, April 6th 2010.

Carrol Kralik
Director general

Donald Badger
Mayor