

TOWN OF CRESTON

**Consolidated to
December 13, 2016**

BYLAW NO. 1440

A Bylaw to regulate the operations, maintenance, and use of the Town’s sanitary sewer system.

WHEREAS the Town has constructed and is operating and maintaining a sanitary sewer system on a self-liquidating basis for the benefit of residents of the municipality;

AND WHEREAS it is expedient to provide for the connection of sewer lines from houses and other buildings to the sewer collection system of the town and to regulate same;

AND WHEREAS it is deemed necessary to regulate the rates, conditions and terms under or upon which the sewer system may be used;

NOW THEREFORE the Council of the Town of Creston, in open meeting assembled, enacts as follows:

PART 1 ADMINISTRATION

1.01 Title

1. This bylaw may be cited for all intents and purposes as “Sewer Rates and Regulations Bylaw No. 1440, 1998.
2. This bylaw shall come into force and effect upon adoption.

1.02 Repeal

“Sewer Rates and Regulations Bylaw No. 1111”, all amendments thereto, are hereby repealed.

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1.03 Definitions

In this bylaw, unless the context otherwise requires,

“Applicant” means owner or his agent making application for a sewer service connection.

“Boarding, Rooming or Lodging House” means a residential building, other than a hotel or motel, containing two or more sleeping rooms for the accommodation of boarders with or without meals. The preparation of meals within the rented units is specifically prohibited. **BL#1851**

“Building Inspector” means that person so appointed by the Council of the Town of Creston.

“Collector” means that person so appointed by the Council of the Town of Creston.

“Condominium - Apartment Style” means any building divided into three or more dwelling units with a shared or common entrance, each of which is occupied or intended to be occupied as a permanent home or residence of one family.

“Condominium - Multi-Family Style” means a building consisting of three or more dwelling units, each of which has an individual entrance and each of which is occupied or intended to be occupied as the permanent resident of one family. This includes townhouses, rowhouses, triplexes and fourplexes.

“Dwelling unit” means one or more habitable rooms when such a room or rooms together are used or intended to be used as a residence. **BL#1851**

“Fixture” shall mean a sink, toilet, urinal, bathtub, shower, bath/shower (one drain), washing machine.

“High Volume Discharge” means any discharge of non-domestic waste into a sewer in excess of 10 cubic metres per day or 300 cubic metres over any consecutive 30-day period, but not including water from a pool. **BL#1743**

“Lateral” means the pipe from the main line to the private connection at the property line.

“Main” means a pipe other than a service connection, pumping station, or treatment plant in the sewer collection system.

“Municipality”, depending on context, means

- (a) the Town of Creston, its officers, employees and duly appointed agents;
- (b) within the corporate boundaries of the Town of Creston.

“Officer” shall mean a municipal officer as appointed in the Municipal Officers Bylaw of the Town of Creston.

“Person” means and shall include not only a natural person, but also a corporation, partnership, company, organization or society.

“Prohibited Waste” means prohibited waste as defined in Schedule “C”. **BL#1743**

“Restricted Waste” means restricted waste as defined in Schedule “D”. **BL#1743**

“Secondary Suite” means a self-contained dwelling unit with its own kitchen or bathroom, which is separate from the principal dwelling in a house. It can be located either within the principal dwelling or in an accessory building on the same lot as the principal dwelling. **BL#1851**

“Service connection” means a pipe and other materials necessary to and actually used to connect the sewer main to the lateral.

“Sewer system” means the entire sanitary sewer system of the Town of Creston.

“User” means the owner or occupier of the real property from which sewerage is discharged into the municipal sanitary sewer system.

“Works Superintendent” means that person so appointed by the Council.

1.04 Right of Entry

The owner or occupier of land shall permit an officer of the municipality to enter at all reasonable times to ascertain whether or not the provisions of this Bylaw are being carried out.

1.05 Penalty

Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists. **BL#1773**

PART 2 USE OF THE SEWER SYSTEM

2.01 Connection a Requirement

1. Every owner of real property which abuts a street or lane or other public right-of-way upon or under which there is laid a sanitary sewer main, or is within 150 feet of such sanitary sewer main and upon which there is situated a building or structure shall connect or cause to be connected the said building or structure to the sanitary sewer main in the manner provided in this bylaw.
2. In the event that any owner fails to make an application for a connection within ninety (90) days of the date the premises become occupied, the Works Superintendent may serve on the owner a notice requiring him to connect or cause to be connected his buildings or structures to the sanitary sewer main within thirty (30) days of the date of the notice or the municipality will have the work done at the expense of the owner.
3. After the expiration of the thirty-day period, the municipality may enter upon the property of the owner and cause the connection to be made. The total cost and expense of making the connection shall be charged against the owner of the property. Any amount remaining unpaid on the 31st day of December shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

2.02 Tampering with the Sewer System

1. No person except the duly authorized agents of the municipality shall make any connection to a main.
2. No person shall in any way interfere with any pipe or other sewer works outside of his own premises, nor shall be in any way interfere or tamper with any meter or pipe leading to such service connection.
3. No person shall, without lawful excuse, break, damage, destroy, uncover, deface, mar or tamper with any part of the sewer system.

2.03 Liability

It is a condition of the use of the sewer system that the Municipality shall not be liable for any injury or damage to any person or property arising or occurring from the use of the sewer system.

PART 3 SERVICE CONNECTIONS AND LATERALS

3.01 Inspection

Sewer service pipes on private property shall have passed inspection by the Building Inspector prior to connection being made at the property line.

3.02 Illegal Connections

1. No person shall connect or attempt to connect, or allow to be connected, or allow to remain connected to the sewer system any property or premises otherwise than in accordance with the provisions of this Bylaw. **BL#1743**
2. No person shall discharge into any sanitary sewer
 - (a) Any prohibited waste.
 - (b) Any restricted waste, unless that person has obtained written permission from the Director of Engineering and Public Works, or designate.
 - (c) Any high volume discharge unless that person has obtained written permission from the Director of Engineering and Public Works, or designate.
 - (d) No person shall connect or allow to remain connected, any sanitary sewer lateral to any storm drain, storm drain connection or storm drain lateral.
 - (e) No person shall connect or allow to remain connected, any storm drain lateral to any sanitary sewer, sanitary sewer connection or sanitary sewer lateral.
 - (f) In the event of any owner failing to make the necessary disconnection from the sanitary sewer within thirty (30) days after being notified in writing by the Director of Engineering and Public Works or designate to do so, the Director of Engineering and Public Works or designate may direct that the Municipality, by its workers or others, may have the required disconnection or disconnections completed at the expense of such owner, and the Municipality shall recover the expense thereof with costs in like manner as municipal taxes.
 - (g) Notwithstanding the foregoing, an owner failing to disconnect his building or structure sewer lateral from the sanitary sewer pursuant to this Section within the aforesaid period of thirty (30) days, shall still be liable for any penalties provided by this Bylaw.
 - (h) Notice in writing required to be given by the Director of Engineering and Public Works or designate pursuant to this Section shall be sufficiently given if sent by registered mail to the owner at the address as shown on the last revised assessment roll of the Municipality.
 - (i) Where any sanitary sewer is laid in private property in respect of which the Municipality holds a right of way for sewer purposes, no person shall connect to or disturb such sanitary sewer except by direction of and with permission of the Director of Engineering and Public Works, or designate.

- (j) No person shall connect or attempt to connect or allow to be connected or allow to remain connected any real property to the sanitary sewer otherwise than in accordance with the provisions of this Bylaw. **BL#1743**

3.03 Connection Application

1. Each application for a service connection shall be made to the municipality by the owner or his authorized agent on a form available at the Municipal Office.
2. Such applicant shall, on making application, pay to the municipality the applicable connection fee as set out in Schedule "B" which is attached to and forms part of this Bylaw.
3. If the connection is practicable, the Works Superintendent shall provide and install a service connection to the applicant's property. If such connection is not practicable, the Works Superintendent shall so notify the applicant and the municipality shall refund the fees paid by the applicant.
4. In addition to the fee set out in Schedule "B", where it is necessary to remove and replace asphalt or other hard surface road materials, the applicant shall pay in advance the estimated cost of the removal and replacement of such hard surface.

3.04 Individual Connections

Each property shall have its own service connection which shall be installed to the municipality's standards. Where two or more buildings exist on one parcel of land and where such parcel of land can be subdivided, each building shall have a separate service connection.

3.05 Existing Dual Connections

Where two buildings are presently serviced by an existing single service connection, a second connection may be approved for installation on application, provided the connection fee as set out in Schedule "B" is received from the applicant.

3.06 Connection Location

1. Where possible, the service connection will be located at the location requested by the applicant. In the event the applicant's preferred location is not practicable, the Works Superintendent shall designate the location of the service connection.
2. The municipality shall install that portion of the sewer service between the main and the property line known as the "lateral". Any fittings required to join the municipality's lateral to the applicant's service connection shall be the applicant's responsibility.
3. Where the lateral required to be connected to the main exceeds 66 feet in length from the applicant's property line, the applicant shall pay, in advance, the estimated cost of constructing all that portion of the lateral in excess of 66 feet.

3.07 Size of Service Connection

The Works Superintendent shall in every case determine the size of the service connection to any premises, and the effluent and the use of the premises shall be taken into consideration.

3.08 Specifications

Sewer services on private property shall be installed in accordance with the BC Plumbing Code and service connections in accordance with the Subdivision Bylaw Engineering and Construction Standards at the expense of the owner and shall be approved by the Building Inspector prior to connection being made to the sewer main at the property line.

3.09 Maintenance of the Service Connection and Lateral

1. Property owners must keep all pipes and other fixtures on their premises in good repair.
2. No apparatus, fitting or fixture shall be connected, allowed to remain connected or operated in a manner which will cause disturbances which may result in annoyance to other users or to the municipality or in property damage.
3. The connection shall be maintained at the sole expense of the owner. In the event a defect is suspected in the service connection or lateral, it shall be the responsibility of the user to determine if the defect exists in the lateral or in the service connection.
4. If the defect is in the lateral and is due to a deficiency of workmanship or material used in the construction of the lateral, the municipality shall repair the defect at no cost to the user.
5. If the defect is determined to be in the service connection, the property owner shall effect immediate repairs.
6. In the event the property owner refuses or neglects to carry out repairs, the Works Superintendent may, by his workmen or other, have the work done at the expense of the owner, and the municipality may recover the cost thereof with interest.

3.10 Alternate Sewer Disposal System

In the event an owner has a sewer disposal system other than the municipal collection system, he shall not connect or in any way cause to be connected any portion of that system with the municipal collection system.

3.11 Enforcement

Should any person who is required by the provisions of this Bylaw to do any matter or thing, be in default of it being done by that person, such matter or thing may be done at the expense of the person in default and the Council may recover the expense thereof, with costs in like manner as municipal taxes.

BL#1743

PART 4 RATES

4.01 Responsibility

1. Payment of rates as set out in Schedule "A" shall be the responsibility of the owner of the premises receiving the sewer service.
2. Non-receipt of an account billing will not exempt the owner from the payment of the bill or any penalty.

4.02 Payment Regulations

1. The flat rates set out in Schedule "A" are payable annually on or before December 31st.
BL#1574
2. A discount of 3% shall be deducted in the rates set out in Schedule "A" of this bylaw if the annual charge is paid in full on or before January 31st for the current year. Discounts for metered consumers shall be calculated using the total charge for the previous year. **BL#1731**
3. For new services, sewer rate billing will be in accordance with the regulations set out in this bylaw and will commence six months following the date of issuance of the Building Permit and pro-rated within the first calendar year, based on the billing commencement date.
BL#1731

4.03 New Service / Termination of Service

1. A new consumer shall be charged with the full monthly rate if his application is dated on or before the 15th day of the month. If it is dated after the 15th day of the month, he shall be charged half the monthly rate for that month. The user rate for the remainder of the quarter shall be paid by new consumers at the time application is made.
2. No rebate shall be given in any case where the consumer has the water shut off.

4.04 Non-Payment of Rates

Any rate remaining unpaid on the 31st day of December shall be deemed to be taxes in arrears in respect of the property which receives the sewer service and shall forthwith be entered on the real property tax roll by the Collector as taxes in arrears.

PART 5 REGULATIONS TO DETERMINE RATES

5.01 Restaurant

1. Restaurants shall be charged on a square meter basis, and the area subject to sewer rates shall be the main dining and lounge areas. Excluded are the kitchen, washrooms, foyer, and dance floor areas.
2. Banquet rooms are to be charged the same rate applied to a percentage of the subject area described in Schedule A, Sub-section 2.5(a).

5.02 Bakery

Bakeries shall be charged on a square meter basis, and the area subject to sewer rates shall be the kitchen and customer service areas.

5.03 Beauty Parlour

Beauty Parlours shall be charged on a square meter basis. Where a beauty parlour is a home-occupation located within a private residence, only that part of the residence used in the operation of the business shall be charged.

5.04 Grocery Store

This rate applies to grocery stores having a sales floor area of 700 square meters or greater. The area subject to the user charge shall be the sales floor area only.

5.05 Measuring

When measuring an area in square meters, the area shall be rounded off to the nearest whole meter.

5.06 Residence in Commercial Building

1. Where a residence is located in conjunction with a business, the residence shall be charged as per the residential rate and the business shall be charged a commercial rate according to the number of fixtures actually located in the business operation.
2. A unit in an apartment building, motel, hotel, or auto court which is not available for rent to the public but is used as the principal residence of the owner or his agent shall be charged according to the residential rate.

5.07 Meters

Premises having water meters shall be charged sewer rates based on the amount of water used as determined by the water meter reading, or a rate set out in Schedule "A", Section 1 to 4 inclusive, whichever is greater.

READ A FIRST AND SECOND TIME THIS 10th day of March, 1998.

READ A THIRD TIME THIS 10th day of March, 1998.

RECONSIDERED AND ADOPTED THIS 24th day of March, 1998.

"Lela Irvine"
Mayor

"Wm. F. Hutchinson"
Clerk

SCHEDULE "A"
Sewer Rates (per year) within the Municipality

Section 1	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
BL#1851					
<u>Flat Rate Charges for Residential Properties</u>					
1. Single Dwelling Unit	236	248	261	274	279
2. Duplex - for each dwelling unit	236	248	261	274	279
3. Mobile Home Park - for each mobile home	214	225	236	248	253
4. Condominium, Multi-family Style - for each unit	236	248	261	274	279
5. Condominium, Apartment Style - for each unit	176	185	195	204	208
6. Apartment - for unit available for rent	176	185	195	204	208
7. Boarding, Rooming or Lodging House - for each room available	88	93	97	102	104
8. Secondary Suite - for each unit available for rent	236	124	130	137	140
 Section 2					
<u>Flat Rate Charges for Commercial & Institutional Properties</u>					
1. Hotel, Motel, Auto Court each sleeping unit	74	78	82	86	87
each kitchen unit	88	93	97	102	104
2. Office (excluding doctor or dentist), Store, Shop, Garage or Service Station, Barber Shop and any purpose other than that listed in these schedules: 1st fixture	175	184	193	202	207
each additional fixture	15.76	16.55	17.38	18.25	18.62
3. Doctor or Dentist Office 1st fixture	175	184	193	202	207
each additional fixture	23.24	24.40	25.62	26.90	27.44
4. Bakery - per square meter (minimum 25 square meters)	8.59	9.02	9.47	9.94	10.14
5. (a) Restaurant - per square meter (minimum 25 square meters)	8.59	9.02	9.47	9.94	10.14
(b) Additional Charge for Banquet Room (calculated as being 25% of the floor area determined for the main dining area in 5(a)) - per square meter	8.59	9.02	9.47	9.94	10.14
6. Bar, Beer Parlour, or Neighbourhood Pub - per square meter	8.59	9.02	9.47	9.94	10.14
7. Beauty Parlour, including in-home hairdressing business - per square meter (minimum 11 square meters)	5.59	5.87	6.16	6.47	6.60

SCHEDULE "A"
Sewer Rates (per year) within the Municipality

Section 2 (Continued)	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
8. Hall, Fraternal Lodge, Service Club Building					
1st fixture	175	184	193	202	207
each additional fixture	7.79	8.18	8.59	9.02	9.20
9. Church including church school in the same building					
1st fixture	175	184	193	202	207
each additional fixture	15.76	16.55	17.38	18.25	18.62
10. School (other than a church affiliated school located in the same building as the church)					
per classroom	208	218	229	241	246
11. Healthcare Institutions					
per bed	148	156	163	171	175

BL#1851

Section 3

Miscellaneous Flat Rates

1. Swimming Pools	49	51	54	57	58
2. Laundromat					
per washing machine	99	104	109	115	117
3. Car Wash					
per stall	274	288	302	317	324
4. Grocery Stores over 700 m2 in area					
per square meter	3.39	3.56	3.74	3.93	4.01
5. Campgrounds and RV Parks					
per camping spot per year	8.20	8.61	9.04	9.49	9.68
6. Greenhouse					
per each 278.7 m2	236	248	261	274	279

Section 4

Industrial

1. Unmetered Industrial	1111	1166	1225	1286	1312
2. Brewery:					

Fees for waste water treatment costs are per a cost sharing agreement between the Town of Creston and Labatt Breweries of Canada.		
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SCHEDULE "A"
Sewer Rates (per year) within the Municipality

BL#1851

Section 5

Meter Rates

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
1. Industrial, Other					
- per month					
a) for the first 3,000 cu. ft.	46	48	50	53	54
b) for each 100 cu. ft. thereafter	0.458	0.481	0.505	0.530	0.541

or

The rate as set out in the applicable category under Schedule "A", whichever is greater.

BL#1731

SCHEDULE "B"

<u>Type of Service</u>	Minimum Rate * Starting in January 2010
Sewer Connection	\$ 3,000

* The Town of Creston reserves the right to charge actual costs which are in excess of the connection fee charged for any connections done.

**SCHEDULE "C"
PROHIBITED WASTE**

Prohibited Waste means:

1. **Special Waste**

Special Waste as defined by the Waste Management Act of British Columbia and its Regulations or any legislation that replaces the Waste Management Act.

2. **Air Contaminant**

Any substance or odour whether gaseous, liquid, solid or a combination that is emitted into the air and that:

- (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 or is capable of interfering with visibility,
- (d) interferes or is capable of interfering with the normal conduct of business,
- (e) causes or is capable of causing material physical discomfort to a person, or
- (f) damages or is capable of damaging the environment.

3. **Flammable or Explosive Waste**

Any waste, which by itself or in combination with another substance, is capable of causing or contributing to an explosion or supporting combustion in any sanitary sewer or sewage facility including but not limited to, gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

4. **Obstructive Waste**

Any waste which by itself or in combination with another substance, is capable of obstructing the flow of, or interfering with, the operation or performance of any sanitary sewer or sewage facility including but not limited to earth, sand, sweepings, gardening or agricultural waste, ash, chemicals, paint, metal, glass, sharps, rags, cloth, tar, asphalt, cement based products, plastic, wood, waste portions of animals, fish or fowl and solidified fat.

5. **Corrosive Waste**

Any waste with corrosive properties which, by itself or in combination with any other substance, may cause damage to any sanitary sewer or sewage facility or which may prevent safe entry by authorized personnel.

6. **High Temperature Waste**

- (a) Any waste which, by itself or in combination with another substance, will create heat in amounts which will interfere with the operation and maintenance of a sanitary sewer or sewage facility or with the treatment of waste in a sewage facility;
- (b) Any waste which will raise the temperature of waste entering any sewage facility to 40 degrees Celsius or more;

**SCHEDULE "C"
PROHIBITED WASTE**

6. **High Temperature Waste (continued)**

(c) Any non-domestic waste with a temperature of 65 degrees Celsius or more.

7. **Biomedical Waste**

Any of the following categories of Biomedical Waste: human anatomical waste, animal waste, untreated microbiological waste, waste sharps and untreated human blood and body fluids listed in "Risk Group 4" as defined in "*Laboratory Bio safety Guidelines*", published by Health and Welfare Canada and dated 1990.

8. **PCBs, Pesticides**

Any waste containing PCBs or pesticides.

9. **Miscellaneous Wastes**

Any waste, other than sanitary waste, which by itself or in combination with another substance:

- (a) constitutes or may constitute a health or safety hazard to any person;
- (b) may interfere with any sewage treatment process;
- (c) may cause a discharge from a sewage facility to contravene any requirements by or under any BC Waste Management Discharge Permit or any other act, law or regulation governing the quality of the discharge, or may cause the discharge to result in a hazard to people, animals, property or vegetation.

**SCHEDULE "D"
RESTRICTED WASTES**

In this Schedule, Restricted Waste means:

1. **Specified Waste**

Any waste which, at the point of discharge into a sewer, contains any contaminant at a concentration in excess of the limits set out below. All concentrations are expressed as total concentrations which include all forms of the contaminant, whether dissolved or undissolved.

The concentration limits apply to both grab and composite samples. Contaminant definitions and methods of analysis are outlined in Standard Methods or methods specified by the Director of Engineering.

Any of the contaminants listed below in Tables (a), (b) or (c) that are present in a waste at dissolved concentrations in excess of the Special Waste Regulation Leachate Quality Criteria will qualify that waste, regardless of the sampling method used, as a Special Waste.

(a) CONVENTIONAL CONTAMINANTS [mg/L]	
Biochemical Oxygen Demand (BOD)	300
Chemical Oxygen Demand (COD)	600
Oil and Grease*	100
Suspended Solids	350

Note: *Total oil and grease includes Petroleum Hydrocarbons (see Table (b)).

(b) ORGANIC CONTAMINANTS [mg/L]	
Benzene, Ethyl Benzene, Toluene, Xylenes (BETX)	1
Chlorinated Phenols	0.05
Polycyclic Aromatic Hydrocarbons (PAH)	0.05
Phenols	1
Petroleum Hydrocarbons	15

(c) INORGANIC CONTAMINANTS [mg/L]	
Arsenic (As)	0.2
Cadmium (Cd)	0.1
Chromium (Cr)	5
Cobalt (Co)	5
Copper (Cu)	1
Cyanide (CN)	1
Iron (Fe)	50
Lead (Pb)	0.5
Manganese (Mn)	5
Mercury (Hg)	0.05
Molybdenum (Mo)	5
Nickel (Ni)	1
Silver (Ag)	2
Sulphate (SO ₄)	1500
Sulphide (S)	1
Zinc (Zn)	3

SCHEDULE "D"
RESTRICTED WASTES

2. **Food Waste**

Any non-domestic waste from cooking and handling of food that, at the point of discharge into a sewer, contains particles larger than 0.5 centimetres in any dimension.

3. **Radioactive Waste**

Any waste containing radioactive materials that, at the point of discharge into a sewer, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

4. **pH Waste**

Any non-domestic waste which, at the point of discharge into a sewer, has a pH lower than 5.5 or higher than 11.0, as determined by either a grab or a composite sample.

5. **Dyes and Colouring Material**

Dyes or colouring materials which may pass through a sewage facility and discolour the effluent from a sewage facility, except where the dye is used by the Municipality, as a tracer.

INDEX OF AMENDING BYLAWS

Bylaw #1574.....	Adopted September 8, 2004
Bylaw #1671.....	Adopted December 18, 2007
Bylaw #1731.....	Adopted December 15, 2009
Bylaw #1743.....	Adopted May 25, 2010
Bylaw #1773.....	Adopted December 13, 2011
Bylaw #1775.....	Adopted December 13, 2011
Bylaw #1783.....	Adopted December 11, 2012
Bylaw #1833.....	Adopted December 15, 2015
Bylaw #1851.....	Adopted December 13, 2016

NOTE TO USERS

"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws", pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.