

RURAL MUNICIPALITY OF ROSSER

By-law No. 4-18

Being a By-law to Regulate the Use of the Rockwood Rosser Wastewater Treatment Lagoon by Septic Wastewater Haulers

WHEREAS, pursuant to The Municipal Act, S.M. 1996, c. 58 – Cap. M225, a council may pass a by-law for municipal purposes respecting the following matters:

“Spheres of jurisdiction

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;
- (l) public utilities;

Exercising by-law making powers

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;
- (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the cost of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law,

Contravention of by-law is an offence

249(1) A person who contravenes a by-law of a municipality is guilty of an offence and, if the by-law imposes no other penalty, is liable on summary conviction to a fine of not more than \$500.00 or to imprisonment for a term of not more than three months, or both.

Continuing offence

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249(2) Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.

Disposition of fines

249(3) A fine imposed for contravening a by-law of a municipality must be paid to the municipality.

Powers respecting works, services, utilities

252(1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b) and (c) may set terms and conditions in respect of users, including

- (a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;
- (c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.”

AND WHEREAS the Council of the Rural Municipality of Rosser deems it expedient and desirable to regulate the sewage being hauled to and disposed of in the Rockwood Rosser Wastewater Treatment Lagoon (hereinafter referred to as the “Lagoon”);

NOW THEREFORE the Council of the Rural Municipality of Rosser, duly assembled in Council, enacts as follows:

1. In this By-Law the following terms shall have the following meaning:
 - (a) “**Annual Access Fee**” means a rate charged annually for the right to dispose of acceptable sewage at the Lagoon;
 - (b) “**By-law**” means a by-law of the Municipality to regulate the licencing and the use of the Lagoon;
 - (c) “**Council**” means the Council of the Municipality;
 - (d) “**Designated Officer**” means the By-law Enforcement Officer or Utilities Supervisor of the Municipality, or other such person as may be authorized in writing by the Council of the Rural Municipality of Rosser to exercise some or all of the powers vested in him or her by this By-law;
 - (e) “**Emergency**” means an instance where there is a problem with the on-site wastewater disposal system requiring an immediate repair to be completed;
 - (f) “**Household**” means a residential building that provides living accommodations as a residence and the necessary accessory buildings thereto, but in no instance shall it include any buildings that is used for commercial or industrial purposes;

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- (g) **“Initial Access Fee”** means a rate charged initially for the right to dispose of acceptable sewage at the Lagoon;
 - (h) **“Kilolitre”** means a metric unit of volume or capacity equal to 1000 liters;
 - (i) **“Lagoon”** means the Rockwood Rosser Wastewater Treatment Lagoon;
 - (j) **“Municipality”** means the Rural Municipality of Rosser or their designated representative.
 - (k) **“Non-Commercial”** means community halls, community recreation facilities, municipal buildings, religious facilities, and schools.
 - (l) **“Person”** means any person, firm, partnership or corporation, or any trustee, manager, or other person either individually or jointly with others, owning or occupying any building or place to which this By-law applies, and shall also include any agent, workman, servant, or employee of such person, firm, partnership, or corporation;
 - (m) **“Septic Haulers”** means a person or company hired to remove and dispose of allowable or permitted septic materials;
 - (n) **“Sewage”** means human body, toilet, liquid, water borne culinary, sink, or laundry waste, or wastewater of any kind, and without limiting the generality of the foregoing, includes domestic and commercial wastewaters, but does not include rain water, natural run-off, or water used exclusively for cooling purposes;
 - (o) **“Standard Methods”** means the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation;
 - (p) **“Wastewater Disposal Vehicle”** means a vehicle used for the disposal of Sewage.
2. That the Municipality permits at its sole discretion the disposal of Sewage from Household and Non-Commercial individual on-site wastewater disposal systems within the Rural Municipality of Rockwood and the Rural Municipality of Rosser at the Lagoon. Should the Lagoon require additional wastewater from an operational perspective, the Municipality shall permit at its sole discretion, on a case by case basis, the disposal of Sewage from Household and Non-Commercial individual on-site wastewater disposal systems outside the Rural Municipality of Rockwood and the Rural Municipality of Rosser. The Municipality shall not accept commercial or industrial wastewater disposal.
 3. The hours of operation for the Lagoon are Monday through Saturday from 7:00 a.m. to 7:00 p.m. Disposals after the designated hours or on Sunday are only permitted if the reason for disposal is an Emergency. The Septic Hauler must provide the telephone number of the person receiving service in Emergency cases.
 4. That a Person wishing to dispose of any Sewage at the Lagoon must receive approval by

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Council and be issued a Wastewater Disposal Vehicle Licence, attached hereto as Schedule “A”. The Person must register each septic truck and pay an Initial Access Fee. The initial licence is issued for the maximum of one calendar year or part thereof to December 31st for each vehicle depositing Sewage into the Lagoon.

5. That on an annual basis the Wastewater Disposal Vehicle Licence must be renewed by receiving approval of Council and paying the Annual Access Fee for each registered septic truck, prior to the first business day in January of each year.
6. Prior to the issuing or renewal of a Wastewater Disposal Vehicle Licence the Person must provide photograph(s) of each truck indicating the unit number, licence plate number, make and model of the truck.
7. That the Initial Access Fee will entitle the person to one remote control gate opener, which is registered to a specific vehicle.
8. That the Initial Access Fee, Annual Access Fee, replacement of control gate remote, fee to switch control gate remote from one Wastewater Disposal Vehicle to another and the volumetric charge per kilolitre for Wastewater Disposal Vehicle Tipping Fee and due dates are as per the By-law of the Rural Municipality of Rosser to establish sewer and water rates within the said community of Grosse Isle, including Lagoon Tipping Fees for the Rockwood Rosser Wastewater Treatment Lagoon and Rosser Rural Regional Water and any amendments or substitutions therefore. .
9. That a Septic Hauler with multiple trucks is restricted to three (3) Remote Control Gate Openers.
10. That any person issued a Wastewater Disposal Vehicle Licence must submit a monthly Record of Wastewater Pickup and Disposal report to the Municipality, attached hereto as Schedule “B”. The report must indicate the name of the Septic Hauler, municipal licence number, date of disposal, Rural Municipality from where the Sewage was collected, the volume of each load, and the source of the contents of each load according to the type of waste and the name and location of each property serviced. Failure to submit the report by the 15th day of the following month will result in the suspension or cancellation of the Wastewater Disposal Vehicle Licence.
11. That the Wastewater Disposal Vehicle Licence must be carried with the Septic Hauler and be available for inspection upon request of the Designated Officer or a representative of the Municipality.
12. The Municipality is empowered to appoint such party as it may choose to deal with this By-law as a whole or in part, and they are not restricted to having the Designated Officer be the only enforcement officer of this By-law, they may have more than one party enforcing same.
13. The Septic Hauler of each Wastewater Disposal Vehicle must comply with all of the provisions of the By-Law of the Rural Municipality of Rosser to regulate sewage being hauled to and disposed of at the Rockwood Rosser Wastewater Treatment Lagoon and any amendments or substitutions therefore.

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14. That the Septic Hauler must not use any mechanical means to discharge or dump Sewage at the Lagoon; this includes but is not limited to pressurizing the tank, a truck hoist or vibrator.
15. The truck route for Septic Haulers shall be from Dorsey Road (Road 1E) to Ridge Road (Road 70N) when travelling from the north and Meridian Road when travelling from the south.
16. Where deemed necessary, in the opinion of the Municipality or the Designated Officer, the Municipality may appoint such person as it may choose to make tests, or install approved monitoring equipment, to determine the character or characteristics of the Sewage being disposed of in the Lagoon. Should such testing disclose that the Septic Hauler is breaching the rules of this By-law then the costs of conducting such tests and installation of test and monitoring equipment shall be borne by the Septic Hauler for all material being deposited in the Lagoon. However if the test results show that the Septic Hauler is in compliance with the By-law then all such costs of conducting such tests and installation of test and monitoring equipment shall be paid by the Municipality.
17. All measurement, test and analysis and the character of wastewater to which reference is made in this By-law, shall be determined in accordance with Standard Methods and shall be determined on samples taken.
18. Every person who contravenes or refuses, neglects or fails to obey or observe any provision of this By-law is subject to the following penalties:
 - a) Is guilty of an offence and is liable upon summary conviction to a fine of not less than \$500.00 or to imprisonment for a term not exceeding three month, or both such fine and imprisonment and/or:
 - i) For the first breach within a calendar year, there shall be a 30 day suspension for privileges to use the Lagoon for the specific Wastewater Disposal Vehicle that was used to breach the By-law;
 - ii) For the second breach within a calendar year, there shall be a 60 day suspension for privileges to use the Lagoon for the specific Wastewater Disposal Vehicle that was used to breach the By-law;
 - iii) For a third breach within a calendar year, there shall be a suspension for a minimum of one (1) year of the privileges of the Septic Hauler to dispose of Sewage in the Lagoon by means of any Wastewater Disposal Vehicle.
19. That By-law No. 5-12 be repealed upon passage of this By-law.

DONE AND PASSED as a by-law of The Rural Municipality of Rosser at 0 077E PR 221, Rosser in the Province of Manitoba this ____ day of _____, A.D. 2019.

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Reeve
Frances Smee

Chief Administrative Officer
Larry Wandowich

GIVEN First Reading this 11th day of December, A.D. 2018.

GIVEN Second Reading this 8th day of January, A.D. 2019.

GIVEN Third Reading this 8th day of January, A.D. 2019.

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Schedule "A"

Rockwood Rosser Wastewater Treatment Lagoon Wastewater Disposal Vehicle Licence

This is to certify that the following:

Company/Contact Information:

| | |
|------------------------------------|-------------------|
| Owner's Name: | Telephone Number: |
| Company Name: | Cellular Number: |
| Address: | Fax Number: |
| Remote Control Gate Opener ID No.: | E-mail Address: |

Vehicle Information:

| | |
|-----------------|-------------------------|
| Year: | Manitoba License Plate: |
| Effective Date: | Fleet Number: |
| Serial Number: | Vehicle Tank Capacity |

Licence Information:

| | |
|---------------------------|---------------------|
| Date Processed: | Per Kilolitre Rate: |
| Effective Date: | Per Load Volume: |
| Valid Date: | Per Load Rate: |
| Municipal Licence Number: | Licence Fee: |

has this day paid the Initial Access Fee of _____ DOLLARS (\$_____) for a Wastewater Disposal Vehicle Licence, if applicable, or an Annual Access Fee of _____ DOLLARS (\$_____), to haul and dispose of Sewage, *that has been collected only in the Rural Municipality of Rockwood or the Rural Municipality of Rosser* to the Rockwood Rosser Wastewater Treatment Lagoon until the 31st day of December, A.D., 20____ unless this Licence be sooner suspended or forfeited. This Licence is issued to the said _____

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_____ and is accepted and held by _____
_____.

The said right is expressly confirmed, restricted according to those requirements set out by The Environment Act Licence No. 2809. In addition to the requirements under Environment Act Licence No. 2809, all applicable Federal, Provincial Statutes and Regulation and Municipal By-laws must be complied with.

Page 2 of Schedule “A”

Rockwood Rosser Wastewater Treatment Lagoon Wastewater Disposal Vehicle Licence

When hauling and disposing of Sewage collected in the Rural Municipality of Rockwood and the Rural Municipality of Rosser pursuant to this Licence, the applicable Monthly Record of Wastewater Pickup and Disposal Report Form must be completed and signed by an authorized person of the hauling company. The report must include name of the hauler, municipal licence number, date of disposal, municipality, the volume of each load, and the source of the contents of each load according to the type of waste and the name and location of each property serviced. Said report, once completed, *must* be forwarded to the Rural Municipality of Rosser on a monthly basis by the 15th day of the following month. Failure to submit the report by the 15th day of the following month will result in the suspension or cancellation of the Wastewater Disposal Vehicle Licence.

The Rural Municipality of Rosser will charge to _____
a disposal fee based on cost per kilolitre of the volume capacity of the registered septic truck, as more fully set forth in the By-law of the Rural Municipality of Rosser to establish sewer and water rates within Rockwood Rosser Wastewater Treatment Lagoon and Rosser Regional Water and any amendments or substitutions therefore. Failure to pay the fee within 30 days of the issuance of the invoice will result in the automatic cancellation of the Wastewater Disposal Vehicle Licence.

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That any changes to the above information must be submitted to the Rural Municipality of Rosser in writing within ten (10) days.

This licence is subject to the provisions of the By-law of the Rural Municipality of Rosser to regulate sewage being hauled to and disposed of at the Rockwood Rosser Wastewater Treatment Lagoon and to the By-law to regulate the Use of the Rockwood Rosser Wastewater Treatment Lagoon by Septic Wastewater Haulers and amendments and substitutions therefore.

GIVEN under my hand and the corporate seal of the Rural Municipality of Rosser this _____ day of _____, A.D., 20____.

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Schedule “B”

Rockwood Rosser Wastewater Treatment Lagoon
Wastewater Disposal Vehicle Licence

Monthly Record of Wastewater Pickup and Disposal Report

COMPANY: _____ MUNICIPAL LICENCE NO. _____ TELEPHONE NO.: _____

| DATE | MUNICIPALITY | CLIENT NAME | TYPE | CIVIC ADDRESS OR LEGAL DESCRIPTION | <input type="checkbox"/> GALLONS |
|---|--------------|-------------|------|------------------------------------|----------------------------------|
| | | | | | <input type="checkbox"/> LITRES |
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| Type: Residential (Res) Non-Commercial (N-C) | | | | Total this Page | |

The above information is verified to be true and correct.

AUTHORIZED REPRESENTATIVE OF THE COMPANY: NAME: _____ SIGNATURE: _____