

RURAL MUNICIPALITY OF ROSSER

By-law No. 3-10

Being a By-law to Regulate the Licencing and to Establish fees for the Use of the Rockwood Rosser Wastewater Treatment Lagoon by Septic Wastewater Contractors

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;
- (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) 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

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.

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Powers respecting works, services, utilities

252(1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) 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 to establish fees for the use of the Lagoon;
 - (c) “**Designated Officer**” means the Public Works Foreman 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 by this by-law;
 - (d) “**Initial Access Fee**” means a rate charged initially for the right to dispose of acceptable sewage at the Lagoon;
 - (e) “**Kilolitre**” means a metric unit of volume or capacity equal to 1000 liters;
 - (f) “**Lagoon**” means the Rockwood Rosser Wastewater Treatment Lagoon;
 - (g) “**Municipality**” means the Rural Municipality of Rosser or their designated representative.
 - (h) “**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;
 - (i) “**Septic Haulers**” means a person or company hired to remove and dispose allowable or permitted septic materials;
 - (j) “**Sewage**” means human body, toilet, liquid, water borne culinary, sink, or laundry waste, or wastewater or 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;
 - (k) “**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;

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- (1) **“Wastewater Disposal Vehicle”** means a vehicle used for the disposal of Sewage.
2. That the Municipality permits in its sole discretion the disposal of Sewage from household and commercial individual on-site wastewater disposal systems within the Rural Municipality of Rockwood and the Rural Municipality of Rosser at the Lagoon.
3. That a person wishing to dispose of any Sewage at the Lagoon must obtain 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 31 for each vehicle depositing Sewage into the Lagoon.
4. That on an annual basis the Wastewater Disposal Vehicle Licence must be renewed by paying the Annual Access Fee for each registered septic truck which is due and payable on the first business day in January of each year.
5. That the Initial Access Fee will entitle the person to one remote control gate opener, which is registered to a specific vehicle.
6. That a disposal fee based on a cost per kilolitre of the volume capacity of the Wastewater Disposal Vehicle is due and payable for each registered vehicle on a monthly basis. Failure to pay disposal fee within thirty (30) days from the issuance of the invoice will result in the suspension or cancellation of the Wastewater Disposal Vehicle Licence.

(Example: If the Wastewater Disposal Vehicle holds 11,365 liters (2500 gallons), they will be deemed to have deposited 85% of the 11,365 liters each time they deposit into the Lagoon: $11,365 \times 85\% = 9,660$.

7. That each Wastewater Disposal Vehicle shall pay fees as follows:
 - a) Initial Access Fee - \$150.00;
 - b) Annual Access Fee - \$50.00;
 - c) Disposal Fee – based on 85% septic vehicle tank capacity:
 - i) \$1.50 per kilolitre;
 - ii) Effective July 1, 2011 - \$2.00 per kilolitre;
 - iii) Effective January 1, 2012 - \$2.50 per kilolitre;
 - d) Replacement of Remote Control Gate Opener - \$100.00.
8. 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, 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.
9. 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.
10. The Municipality is empowered to appoint such party as it may choose to deal with this By-law as a whole or 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.

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11. The Septic hauler of each Wastewater Disposal Vehicle must comply with all of the provisions By-law No. 4-10 and any amendments or substitutions therefore.
12. That the Septic Hauler must not use a truck hoist or vibrator to discharge or dump Sewage at the Lagoon.
13. 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.
14. 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.
15. 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 one 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.

DONE AND PASSED as a by-law of The Rural Municipality of Rosser at 77 E PR 221, Rosser in the Province of Manitoba this 27th day of April, A.D. 2011.

RURAL MUNICIPALITY OF ROSSER

“Frances Smee”

Reeve

“Beverley Wells”

Chief Administrative Officer

GIVEN First Reading this 23rd day of March, A.D. 2010.

GIVEN Second Reading this 27th day of April, A.D. 2011.

GIVEN Third Reading this 27th day of April, A.D. 2011.

**Rockwood Rosser Wastewater Treatment Lagoon
Wastewater Disposal Vehicle Licence
Rural Municipality of Rosser By-law No. 3-10**

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 ONE AND FIFTY HUNDRED DOLLARS (\$150.00) for a Wastewater Disposal Vehicle Licence, if applicable, an annual access fee of FIFTY DOLLARS (\$50.00), 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 _____ 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.

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

**Rockwood Rosser Wastewater Treatment Lagoon
Wastewater Disposal Vehicle Licence
Rural Municipality of Rosser By-law No. 3-10**

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 By-law No. 3-10. 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.

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 By-law No. 3-10 and amendments and substitutions thereto.

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

THE RURAL MUNICIPALITY OF ROSSER

Schedule "B"

**Rockwood Rosser Wastewater Treatment Lagoon
Wastewater Disposal Vehicle Licence
Rural Municipality of Rosser By-law No. 3-10**

Monthly Record of Wastewater Pickup and Disposal Report

COMPANY: _____

MUNICIPAL LICENCE NO. _____

TELEPHONE NO.: _____

DATE	MUNICIPALITY	CLIENT NAME	TYPE	CIVIC ADDRESS OR LEGAL DESCRIPTION	GALLONS
Type: Residential (Res) Commercial (Com)				Total Gallons this Page	

The above information is verified to be true and correct.

AUTHORIZED REPRESENTATIVE OF THE COMPANY: NAME _____

SIGNATURE: _____