

**TOWN OF MINNEDOSA
BY-LAW NO. 2534**

**BEING A BY-LAW TO ESTABLISH FEES FOR THE USE OF THE TOWN OF MINNEDOSA
WASTEWATER TREATMENT LAGOON BY SPETIC 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:

AND WHEREAS Section 232 of The Municipal Act, LM 1996 c.58 states as follows:

232(1)(l) A Council may pass by-laws for municipal purposes respecting public utilities.

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

249(1) Contravention of by-law is an offence. 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.

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

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

252(1) Powers respecting works, services, utilities. 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;
- (b) 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 Town of Minnedosa deems it expedient and desirable to regulate the sewage being hauled to and disposed of in the Minnedosa Wastewater Treatment Lagoon (hereinafter referred to as the “Lagoon”);

THAT By-law No. 2517 enacted by the Town of Minnedosa the 1st day of June, 2013, is hereby repealed.

THAT this By-law shall come into force and become effective on, from and after both approval by The Public Utilities Board and receipt of third and final reading thereof.

NOW THEREFORE be it and it is hereby passed and enacted as a by-law of The Town of Minnedosa, in council duly assembled as follows:

- 1) In this By-Law the following terms shall have the following meaning:
 - a) “By-law” means a by-law of the Municipality to regulate the licensing and to establish fees for the use of the Lagoon;
 - b) "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 Town of Minnedosa to exercise some or all of the powers vested in him by this by-law;
 - c) "Municipality" or “Town” means the Town of Minnedosa or their designated representative.
 - d) "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;

- e) "Kilolitre" means a metric unit of volume or capacity equal to 1,000 liters, or one (1) cubic metre;
 - f) "Lagoon" means the Town of Minnedosa Wastewater Treatment Lagoon;
 - g) "Septic Haulers" means a person or company hired to remove and dispose allowable or permitted septic materials;
 - h) "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;
 - i) "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;
 - j) "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 at the Lagoon.
- 3) That a disposal fee based on a cost per kilolitre of the volume capacity of the Wastewater
- a) Disposal Fee is due and payable for each registered vehicle on a semi-annual basis.
- 4) That each Wastewater Disposal Vehicle shall pay fees as follows:
- a) Disposal Fee – based on septic vehicle tank capacity:
 - b) Sewage Tipping Fee Rates for Residences within the Town of Minnedosa Limits:

Minimum per use fee of **\$5.00** up to 4.54 kilolitres (equivalent to 1000 imp.gallons) plus **\$0.84 per kilolitre** for any portions over the initial fee.
 - c) Sewage Tipping Fee Rates from for Residences from outside the Town of Minnedosa Limits:

Minimum per use fee of **\$8.75** up to 4.54 kilolitres (equivalent to 1000 imp.gallons) plus **\$1.65 per kilolitre** for any portions over the initial fee.
- 5) That any Septic Haulers 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, 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 deliveries to the Minnedosa Wastewater Treatment Lagoon.
- 6) 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.
- 7) That the Septic Hauler must not use a truck hoist or vibrator to discharge or dump Sewage at the Lagoon.
- 8) Where deemed necessary, in the opinion of the Town or the Designated Officer, the Town 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 Town.

- 9) 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.
- 10) 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 Septic Hauler 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 Septic Hauler 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.

THAT this By-law shall come into force and become effective on, from and after both approval by The Public Utilities Board and receipt of third and final reading thereof.

DONE AND PASSED as a By – Law of the Town of Minnedosa by Council duly assembled in the Council Chambers of the Minnedosa Civic Administration Building, in Minnedosa, Manitoba this 23rd day of September, 2014.

THE TOWN OF MINNEDOSA

Ray Orr, Mayor

Ken Jenkins, CAO

Read a first time this 25th day of March, 2014

Read a second time this 23rd day of September, 2014

Read a third time this 23rd day of September, 2014