

# "SEWER REGULATION AND CHARGE BYLAW 1982 NO. 2496"

*Consolidated Version*

2023-DEC-18

Includes Amendments: 2601, 2955, 2963, 3273, 3366, 3619, 3636, 3648, 3751, 3833, 3860, 3922, 3958, 3992, 4613, 4861, 4967, 4992, 5110, 5216, 5293, 5342, 5528, 5747, 2496.25, 2496.26, 2496.27, 2496.28, 2496.29, 2496.30, 2496.31, 2496.32, 2496.33, 2496.34, 2496.36, 2496.35, 2496.37

**"SEWER REGULATION AND CHARGE BYLAW 1982 NO. 2496"**

<b>PART</b>		<b>SECTION</b>
1	INTERPRETATION	3
2	USE OF SEWER SYSTEM	4-18
3	SEWER SYSTEM EXTENSIONS	19-23
4	BUILDING SEWERS	24-28
5	CHARGES FOR SERVICE	29-33
6	INSPECTION	34
7	PENALTIES	35-36
8	GENERAL	37-39
SCHEDULES	'A' - SERVICE CONNECTION PERMIT FEES 'B' - SANITARY SEWER USER RATES 'C' - SEWER USE PERMIT 'D' - FINE SCHEDULE	

**INDEX**

Abandonment	26
Authorized Discharges	14
<del>Billing</del>	<del>34</del>
Blockages	25
Building Bylaw	24
Building Sewers	24-28
Charges for Service	29-33
Connection Fees	29, 32(1)
Connection Locations	5, 27, 28
Cost Shareable (oversize extensions)	23
Discharge (authorized)	14
Discharge (prohibited)	9
Discharge Exceptions	11
Discharge Rate	15
Disconnection	13
Establishment of System	2
Exceptions	11
Extension Applications	19
Extension by Council Resolution	20
Extension by other than Council Resolution	21
Extension Limits	22
Extensions	19-23
General	37-39
Illegal Connections	12
Individual Connections	4
Inspections	34
Interceptors	16
Interpretation	3
Measurement and Testing	18
No Discharge to Public Sanitary Sewer System	8
Open Discharge	7
Oversize Extensions	23
Penalties	35-36
Rate of Discharge	15
Rates for a Given Year	32
Recovery of Charges Levied	33
Remainder of Bylaw to Remain Intact	37
Right of Entry	34

Sampling Chambers	17
Sanitary Sewer System - Discharge	8
Service Connection	5, 27, 28
Sewer Connection Fees	29, 32(1)
Sewer Use Contract	11
Swimming Pools	10
System Establishment	2
Tampering with Public Sewer System	6
Title	1
Unpolluted Discharges	9
Use of Sewer System	4-18
User Rates	30

CITY OF NANAIMO

BYLAW NO. 2496

A BYLAW TO REGULATE THE EXTENSION OF AND CONNECTIONS TO THE PUBLIC SEWERAGE SYSTEM OF THE CITY OF NANAIMO, TO IMPOSE PUBLIC SEWER CONNECTION FEES, AND TO PROVIDE FOR THE IMPOSITION OF A CHARGE AGAINST THE OWNER OR OCCUPIER OF REAL PROPERTY FOR THE USE OF THE PUBLIC SEWAGE SYSTEM, AND/OR WASTEWATER CONTROL FACILITIES

---

WHEREAS the Municipal Council may, by bylaw, pursuant to Section 611 of the *Municipal Act*, provide for the establishment, operation and regulation of a system of sewerage and/or drainage works and, may require owners of real property to connect their buildings and structures to the appropriate sewer or drain connections and, in the event of an owner failing to make the necessary connections within a specified time, provide for having the work done at his expense.

AND WHEREAS the Council may, by bylaw pursuant to Section 612 of the *Municipal Act*:

- (1) impose a connection charge and fix the terms of payment on owners of real property to defray the cost of laying connecting pipes from public sewers and drains;
- (2) impose a frontage tax on the owner of land or real property capable of being drained into a sewer or drain, whether or not it is connected to or drained into the sewer or drain for the opportunity to use the public sewer or drain; and
- (3) impose a charge against the owner or occupier of real property for the use of a sewerage system, a drainage system, or a combined sewerage and drainage system. (Bylaw 3366)

AND WHEREAS the "REGIONAL DISTRICT OF NANAIMO SEWER AND SEWAGE DISPOSAL FACILITIES BENEFITTING AREA DESIGNATION BYLAW 1988 NO. 746" provides that the annual operating cost of Regional interceptors, treatment and disposal shall be revised by levy upon all member municipalities contained within the "Regional Interceptor, Treatment and Disposal Benefitting Area" according to the general assessment of each member municipality, and that the annual operating cost of each trunk sewer shall be raised by levy upon all member municipalities contained within its "Trunk Sewer Benefitting Area" according to the general assessment of each such member municipality. (Bylaw 3366)

AND WHEREAS the City of Nanaimo is a member municipality within the "Regional Interceptor, Treatment and Disposal Benefitting Area".

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "SEWER REGULATION AND CHARGE BYLAW 1982 NO. 2496".
2. There is hereby established a system of sewerage and/or drainage works within the City of Nanaimo, and the operation and regulation of these works shall be as set out in this Bylaw.

#### PART 1 - INTERPRETATION

3. In this Bylaw, unless the context otherwise requires:

"Applicant"	means an owner or his agent making application for sewer services and from whom the City may expect to receive revenue on a continuing basis for this service.
"At the Owner's Cost"	means that the owner shall pay a cost determined by the City and which includes the amount expended by the City for gross wages and salaries, employee fringe benefits, materials, equipment rentals at rates paid by the City or set by the City for its own equipment and any other expenditures incurred in doing the work, plus administration charges.
"Biochemical Oxygen Demand" (B.O.D.)	means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees expressed in milligrams per litre.
"Building Sewer"	means a sewer extending from the property line of the property concerned to the building or structure or drainage system situated thereon and joining the sewer or drainage connection at the property line to the plumbing system at the building, or to a drainage system on the property.
"Capable of Connection"	means that the parcel of land abuts a street, lane, public sewer right-of-way or easement, upon or under which there is a collector sewer with excess capacity and that the service connection will have adequate cover at the property line and drain towards the sewer, and allowing the house or building to be connected to the service connection by either a gravity building sewer, or a pump and force main.
"Charge"	means a charge listed under Section 435 of the <i>Municipal Act</i> .
"Collector Sewer"	means a sewer used to collect sewage or drainage from individual properties.
"Director of Finance"	means the person duly appointed as such from time to time by Council and includes any person appointed or designated by the Director to act on his behalf.

"General Manager" (Bylaw No. 2496.36)	means the General Manger, Engineering and Public Works and any duly authorized designate of the General Manager.
"Garbage"	means solid wastes from the preparation, cooking and dispensing of food or from the handling, storage and sale of produce.
"Group of Plumbing Fixtures"	means one or more hand basins, water closets, urinals, baths or showers contained within each washroom in a building. Each sink, dishwasher or glass washer shall also be construed as a separate group of plumbing fixtures.
"Industrial Waste"	means liquid wastes from industrial processes.
"pH"	means the logarithm of the reciprocal of the weight of hydrogen ions in grams per litre of solution.
"Properly Ground Garbage"	means the waste from the preparation, cooking and dispensing of food, ground to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers.
"Public Sanitary Sewer"	means a sewer that carries sanitary sewage and permitted industrial waste, and to which storm waters are not intentionally admitted.
"Public Sewer System"	means all sewerage works owned and operated by the City for the collection, conveyance and disposal of sewage, and drainage works for the impounding, conveying and discharging of surface and other waters, or both, and includes all appurtenances to such works.
"Public Storm Sewer or Storm Drains"	means a sewer that carries storm water, and to which sanitary sewage or industrial waste is not admitted.
"Sampling Chamber"	means an approved receptacle installed to allow inspection and sampling for the presence of prohibited wastes.
"Sanitary Sewage"	means that portion of sewage exclusive of industrial wastes and storm waters.
"Service Connection"	means a pipe which may include an inspection chamber or clean-out connecting a sewer connection to a building sewer at the property line of a parcel of land.
"Sewage"	means liquid waste that contains animal, mineral or vegetable matter originating in a building or through an industrial process.
"Sewer Connection"	means a sewer pipe of less than or equal to 150 millimetres diameter extending from a public sewer to the property line of the real property being served or about to be served.

"Sewer Extension"	means any installation requiring the construction of a sewer of greater than 150 millimetres diameter, on a highway, municipal right-of-way or easement, from the most convenient existing sewer, but does not include a service connection or a building sewer.
"Sewer Use Permit" (Bylaw 5110)	means a permit issued under Section 11 of this Bylaw, authorizing the discharge of sewage from septic tanks or holding tanks into the Public Sewer System.
"Storm Water"	means surface water or ground water that is discharged from a parcel as a result of rainfall or snowfall.
"Suspended Solids"	means all solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

## PART 2 - USE OF SEWER SYSTEM

### 4. Individual Connections:

Each parcel capable of connection shall have a sanitary sewer connection and a storm sewer connection.

### 5. Connection Locations:

Where possible, the sewer connections will be located at the locations requested by the applicant. In the event that the applicant's preferred locations are not practicable due to the existence of installed surface improvements or unsuitable ground conditions or because of a conflict with installed underground utilities, the General Manager shall designate the location of each sewer connection to each parcel.

### 6. Tampering with Public Sewer System:

- (1) No person shall make any connection whatsoever to the public sewer system or in any way tamper with the public sewer system without first obtaining the required permits or permission from the General Manager.
- (2) No person shall discharge, deposit or throw or cause, allow or permit to be discharged, deposited or thrown into any public sewer, plumbing fixtures connected thereto, drain, manhole, inspection chamber, or any other part of the sewer system, any substance of any kind whatsoever that would tend to obstruct or injure the public sewer system, or to cause any nuisance, or which will in any manner interfere with the proper functioning, maintenance or repair of the public sewer system.
- (3) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, mar or tamper with any part of the public sewer system.



7. Open Discharge:

No person shall discharge into any ditch, storm drain, storm sewer, creek, stream or watercourse, lake or ocean, any sanitary sewage, industrial wastes, petroleum products, coal tar, or other similar materials, or any refuse or substance arising from the manufacture, handling or processing of gas or petroleum products.

8. No Discharge to Public Sanitary Sewer System:

No Person shall discharge or cause to be discharged into the public sanitary sewer system any of the following sewage or wastes:

- (1) Storm waters.
- (2) Industrial cooling water.
- (3) Water from air conditioning, cooling or condensing systems.
- (4) Water except normal sanitary sewage arising from the operation of a non-circulating type car wash.
- (5) Liquid having a temperature at or higher than 65 degrees centigrade.
- (6) Vapour or gaseous substance.
- (7) Waters or wastes which contain excessive amounts of fat, oil or grease, whether emulsified or not, having all inclusive concentration in excess of 150 milligrams per litre or contains more than 15 milligrams per litre of petroleum derivative, or becomes viscous at temperatures above 0 degrees centigrade.
- (8) Waters, sewage or wastes having a pH factor lower than 5.0 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, biological sewage treatment processes, or personnel engaged in the operation or maintenance of the public sewage works.
- (9) Any noxious or malodorous substance which either singly or by interaction with other wastes is capable of creating a public nuisance, or hazard to life or preventing entry into a public sewer or sewage treatment plant.
- (10) Any sewage, waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any public sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving waters or the effluent from public sewage works or a sewage treatment plant.

Without limiting the generality of this section, the concentration of the following toxic substances at the point of discharge to the public sanitary sewer shall not exceed:

<b>Toxic Substance</b>	<b>Milligrams Per Litre</b>
ARSENIC	0.5
CADIUM	0.05
CHROMIUM (total)	1.0
COPPER	1.0
CYANIDE	1.0
IRON	3.0
LEAD	0.5
MANGANESE	0.5
MERCURY	0.006
NICKEL	1.0
PHENOLS & CRESOLS	1.0
ZINC	4.0

- (11) Any gasoline, benzene, naphtha, alcohols, solvents, fuel oil or other flammable or explosive liquids, solids or gas.
- (12) Any radio active wastes or sewage, except within such limits as are permitted by the licence issued by the Atomic Energy Control Board of Canada.
- (13) Any garbage except properly ground garbage.
- (14) Any solid or viscous substance capable of obstructing sewage flow or interfering with the proper operation of the sewage works or sewage treatment plant. These substances include, but are not limited to; ashes, cinders, sand, mud, straw, grass clippings, insoluble shavings, metal, glass, rags, feathers, tar, coal tar, asphalt, creosote, cement, plastics, wood, paunch manure, offal, blood, bones, meat trimmings and wastes, fish or fowl head, shrimp, crab or clam shells, entrails, lard, tallow, baking dough, chemical residues, cannery or winery waste, bulk solids, hair and fleshings, spent grain and hops, whole or ground paper dishes or cups, whole or ground food and beverage containers, and paint residues.
- (15) Any waters, sewage or wastes containing dissolved suspended solids of such character and quantity that any abnormal attention or expense would be required in the treatment of such sewage.
- (16) Any waters, sewage or wastes containing more than 500 parts per million by weight of suspended solids.
- (17) Any waters, sewage or wastes having a B.O.D. count greater than 500 parts per million by weight.
- (18) Sludge or deposit contained in septic tanks.
- (19) Any material from holding tanks. (*Bylaw 5110*)

9. Unpolluted Discharges:

- (1) Unpolluted industrial waters shall not be discharged into the public sanitary sewer system.
- (2) Industrial cooling water which may be polluted with insoluble oils or greases or insoluble suspended solids shall be pretreated for removal of the pollutants and the resultant unpolluted water may be discharged into a storm sewer, ditch or approved natural outlet or watercourse.
- (3) Water from air conditioning, cooling or condensing systems shall be discharged into a public storm sewer, ditch or approved natural outlet or watercourse.

10. Swimming Pools:

Any and all waters discharged from a swimming pool, as well as any effluent from pool filter backwashing and skimmers shall be discharged into the public sanitary sewer system.

11. Exceptions/Sewer Use Contract: *(Bylaw 5110)*

- (a) No person shall discharge sewage or other material from a holding tank or septic tank into the Public Sewer System unless authorized to do so by a Sewer Use Permit issued pursuant to this bylaw.
- (b) The discharge of sewage into the Public Sewer System under Section 8(18) or (19) of the Bylaw is permitted under the terms of a Sewer Use Permit in the form attached as Schedule "C" to this Bylaw.
- (c) Every person shall, on making application for a Sewer Use Permit, either:
  - (i) pay to the City a permit fee of \$200 for a 12-month period and shall provide evidence, satisfactory to the General Manager, that the applicant is insured against public liability and property damage liability and has provided insurance coverage for the City against all claims for personal injury and property damage which may arise out of the performance of the work covered by the permit, and such insurance shall be in an amount of not less than Two Million Dollars (\$2,000,000) per occurrence; or
  - (ii) pay to the City a permit fee of \$25 for a single discharge into the Public Sewer System.
- (d) Any person who has been issued an annual Sewer Use Permit for the purpose of accessing the Public Sewer System for disposal of sewage or waste products shall, in addition to payment of the prescribed permit fee, pay to the City a fee of \$4 per truck load discharged.
- (e) No person shall discharge sewage contrary to the conditions set out in a Sewer Use Permit issued pursuant to this bylaw. Non-compliance with the terms of a Sewer Use Permit shall immediately invalidate the permit.

12. Illegal Connections:

No person shall connect or attempt to connect, or allow to be connected, or allow to remain connected to the public sewer system any property or premises otherwise than in accordance with the provisions of this Bylaw.

13. Disconnecting Illegal Connection: *(Bylaw 2496.36)*

13.1 Any sanitary or storm building sewer connected to a sewer connection in contravention of this Bylaw and any sewer connection connected to the public sewer system and discharging there into any sewage, substance or matter prohibited by this Bylaw may be disconnected, stopped up and closed at the direction of the General Manager, and at the owner's cost.

13.2 Any person who is subject to having their sanitary or storm building sewer connection stopped up and closed as outlined in Section 13.1 above, may arrange for Council to reconsider the decision of the General Manager by giving written notice of appeal to the Corporate Officer as outlined in the "Appeals Procedure Bylaw, 2022 No. 7354" as amended from time to time.

14. Authorized Discharges:

No person shall be deemed to violate this Bylaw by discharging or permitting to be discharged into a public sanitary sewer, wastes which exceed limits stated in Section 8, or which are included in Section 9, if the person discharging is in possession of a Sewer Use Contract as provided in Section 11 and if the wastes discharged are in accordance with the contract.

15. Rate of Discharge:

The rate or rates of discharge for various times of a 24 hour period for any industry connected to the public sewer system or any municipality or improvement district located outside the City limits and connected to the public sewer system shall not exceed the extra capacity of the public sewer system after all the other regular users have been accommodated. Such industries, corporations, municipalities or improvement districts shall install and maintain on their own properties, such holding facility's pumps, valves, flow regulating and measuring devices as may be required by the General Manager to ensure that the specified flow rates shall not be exceeded.

16. Interceptors:

Grease, oil and sand interceptors shall be provided upstream of the service connection on private property for all garages, gasoline service stations and vehicle and equipment washing establishments. Interceptors will be required for other types of industries or commercial establishments when they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable wastes, sand, grit or other harmful ingredients except that such interceptors shall not be required for private living quarters or single dwelling units. Such interceptors shall be so located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times.

17. Sampling Chambers:

The owner of each industrial enterprise or premises connected to the public sewer system shall provide upstream of the sewer connection suitable means of inspection to facilitate operation, sampling and measurement of the wastes or sewage being emitted therefrom.

18. Measurement and Testing:

All measurements, tests and analysis of the characteristics of industrial waste, sanitary sewage or water to which reference is made in this Bylaw shall be determined in accordance with the Standard Method of the Examination of Water and Sewage of the American Public Health Association, and shall be determined at the sampling chamber provided for in Section 17 of this Bylaw or upon suitable samples otherwise taken. In the event that no special sampling chamber has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the service connection point.

### PART 3 - SEWER SYSTEM EXTENSIONS

19. Extension Applications:

All applications for public sewer system extensions shall be made in writing to the General Manager by the owner or owners of the property to be served by such system extensions.

20. Extension by Council Resolution:

The Council of the City of Nanaimo may designate public sewer system extensions for any budget planning unit covering one or more years and such designated extension shall be included in a sewer construction bylaw.

21. Extension Other Than by Council Resolution:

- (1) In the event an applicant wishes to proceed with a public sewer system extension which has not been designated by Council, the General Manager may, with the approval of Council, allow the extension, provided that the applicant shall install the extension entirely at his own cost. The final cost to the applicant of the public sewer system extension shall be the actual cost of construction, including materials, labour, designs and engineering fees.
- (2) Any extension to the public sewer system shall be constructed in accordance with the plans and specifications of the City of Nanaimo and to the approval of the General Manager.

22. Extension Limits:

Where a public sewer is extended by other than Council resolution, the minimum inside diameter shall be 200 millimetres and shall extend from the most convenient existing sewer having sufficient surplus capacity and grade to carry the additional sewage resulting from the said extension, to a point opposite the furthest boundary of the last parcel of land to be served by the said extension.

23. Cost Shareable for Oversize Extensions:

Where any public sewer is extended other than by the City and where the City may desire to install a public sewer of greater capacity than is required to provide service to the lands for which application for an extension has been made, and if such excess capacity will be available to permit further extension outside the boundaries of the land to be immediately served thereby, the City may pay the difference in cost of installation between the actual cost of public sewer installation with the excess capacity and the estimated cost of public sewer installation with the excess capacity and the estimated cost of a 250 millimetre sewer.

PART 4 - BUILDING SEWERS

24. Building Bylaw:

- (1) Building sewers shall be installed in accordance with the requirements of the British Columbia Plumbing Code, and shall be construed by the owner entirely at his own expense.
- (2) No building sewer shall be connected to a sewer connection until it has been inspected and approved under the Building Bylaw.

25. Blockages:

The building sewer shall be maintained by the property owner at his sole expense. Where any sewer connection or service connection becomes stopped or otherwise fails to function, the owner or occupier of the premises served shall first determine that the blockage is not located in his building sewer and then notify the Public Works Superintendent forthwith and the Public Works Superintendent shall, as soon as practicable, arrange to have said public sewer or service connection unstopped or otherwise restored to serviceable condition.

Where any stoppage or failure is found to exist in the service connection or sewer connection, and, unless caused by the City, all costs incurred by the City in restoring service and unstopping the sewer connection or service connection shall be paid by such owner or occupier upon demand and if unpaid on the thirty-first day of December of the year in which such work is done, shall be deemed to be taxes in arrears on the property concerned.

26. Abandonment:

- (1) When any building sewer is abandoned, the owner or his agent shall notify the General Manager and the owner shall effectively block up the building sewer at the service connection with an approved water-tight seal.
- (2) If required by the General Manager, the owner or his agent in (1), shall provide a plan satisfactory to the General Manager, showing the location of the service connection at which the building sewer is blocked up.

27. Connection to Service Connection:

Every sewer connection shall be installed prior to installation of the building sewer and connection of the building sewer to the service connection by the owner. The City shall not be responsible to meet the elevation or connect to an existing building sewer installed by the owner prior to installation of the sewer connection.

28. Depth:

Where practicable as governed by the depth of the public sewer, the minimum depth of the sewer connection at the property line shall be one (1) metre. Where possible, the sewer connection will be installed with sufficient depth to provide natural drainage from the lowest floor of any building or structure except where natural drainage is impractical due to the relative elevation of the public sewer and the lowest floor of the building or structure.

## PART 5 - CHARGES FOR SERVICE

29. Sewer Connection Fees:

The owner or his agent shall, on making application for a sewer connection, pay to the City the applicable connection permit fee prescribed in Schedule 'A' attached to and forming part of this Bylaw, unless the sewer connection was installed by and at the sole cost of a person other than the City.

User Charges

- 29(a) Any owner or occupier of real property who proposes to connect a building or structure on that property to the public sewer system when no building permit has been obtained from the City for that building or structure shall, prior to connection to the system, pay to the City a charge for the use of the system, to assist the City to pay the capital costs of providing the system, in an amount equal to the development cost charges which would be payable to the City but for the absence of a building permit. The charge provided for in this section shall be in addition to the connection charge prescribed in Section 29. *(Bylaw 4967)*

29(b) The charge under Section 29A may be waived or lessened for real property, any present or previous owner or present occupier of which:

- (a) has constructed at his or her own expense a portion of the drainage system of the City; or
- (b) has paid all debt and debt charges, including interest, in respect of that portion of the drainage system that serves the real property. *(Bylaw 4967)*

30. User Rates:

- (1) (a) There is hereby imposed and levied each billing period of each year a public sanitary sewer user rate as set out in Schedule 'B' hereto, against the owner or occupier or real property connected to the public sewer system.
- (b) The Director of Finance shall classify each property in accordance with the categories set out in Schedule 'B'.
- (c) No complaint of an error in any charge or charges shall be considered, and no adjustment of any such error shall be made after a period of one year has elapsed since the end of the period for which such sewer rates or charges were made. After the termination of the period, all such rates or charges shall be deemed to have been properly and correctly made. *(Bylaw 3619)*
- (d) Notwithstanding Section 30 (1)(c), the Director of Finance may authorize an adjustment for a period of up to ten years to correct an error made by the City. *(Bylaw 5342)*

31. Billing: *(Deleted by Bylaw 3366)*

32. Rates for a Given Year:

- (1) In the case of a connection being made during the year, the charge imposed shall commence on the date of occupancy of the premises or upon the date of issuance of the Building Occupancy Permit, whichever is sooner. *(Bylaw 5342)*
- (2) The Council may, by resolution, authorize the collection of the rates and fees levied under this Bylaw through bonded commission agents or agencies.

33. Recovery:

A charge imposed under this Bylaw which remains unpaid on the thirty-first day of December in any year shall be deemed to be taxes in arrears on the land or real property on which the charge is imposed, and may be recovered as provided in Section 435 of the *Municipal Act*.



#### PART 6 - INSPECTION

34. Right of Entry:

The General Manager and any City Inspector may enter at all reasonable times on any property subject to this Bylaw for the purpose of inspecting the premises and sewer pipes, drains, fixtures and any other apparatus used in connection with such sewer connection or plumbing system and to observe, measure, sample and test the quantity and nature of sewage being discharged into the public sewer system in order to ascertain whether or not the provisions of this Bylaw are being obeyed.

#### PART 7 – PENALTIES (Bylaw No. 2496.36)

35. Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter* and *Offence Act*.
- 35.1 This Bylaw may be enforced by bylaw notice pursuant to the Bylaw Notice Enforcement Bylaw 2012 No. 7159, as amended or replaced.
36. Each day that an offence continues or exists shall constitute a separate offence.

#### PART 8 - GENERAL

37. Remainder of Bylaw to be Maintained Intact:

In the event that any portion of this Bylaw is declared ultra vires by a court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

38. The "SEWER WASTEWATER USER RATES BYLAW 1975 NO. 1652" as amended is hereby repealed in its entirety.
39. The "BUILDING BYLAW AMENDMENT BYLAW 1981 NO. 2319" is hereby amended by striking out Part 5 thereof.

#### PART 9 - MANDATORY CONNECTION - SANITARY SEWERS (Bylaw 2955)

40. One Hundred and Eighty (180) Day Period:

The owner of any real property capable of connection, and upon which is situated a building or structure occupied for any purpose, shall connect or cause to be connected the said building or structure to the sanitary sewer connection in accordance with this Bylaw within 180 days of receiving notice to connect. Notice shall be given by registered mail.

41. Notices to Connect:

Notice to connect shall be sent out to the owner referred to in Section 40 by registered mail when the General Manager determines that the public sewer is capable of connection and a sewer connection has been installed.

42. Thirty (30) Day Extension:

In the event that any owner of premises which are required to be connected to a public sewer pursuant to Section 40 of this Bylaw fails or neglects to connect a building or structure to the public sanitary sewer in the manner prescribed herein, the General Manager shall serve a further notice which shall be effected by sending a copy by registered mail to the owner of the property requiring that the said building or structure be connected to the public sewer, and that the necessary building sewer and service connection be constructed and connections made within 30 days of receipt of such notice. Failure on the part of the owner to comply with said notice shall constitute an infraction of this Bylaw.

43. Failure to Comply:

- (1) If, after the expiration of the 30 day period under Section 40, the owner served with such further notice has failed or neglected to construct and install a building sewer and service connection and has failed or neglected to connect his buildings or structures to the sanitary sewer connection as required, the City, by its employees or contractors may enter upon the property and cause the connection to be made.
- (2) Where a building sewer and service connection is made under Subsection (1), it shall be done entirely at the owner's cost and the cost may be recovered as provided in Section 435 of the *Municipal Act*.

## SCHEDULE “A”

### HOOK-UP AND SERVICE PIPE PERMIT FEES

---

1. Hook-up Fees

A "hook-up" fee shall be paid to connect to the sanitary sewer at the time of application for hook-up. Hook-up fees shall be as follows:

- ( i) 100mm (4") sanitary sewer or storm sewer connection – “at cost”;
- ( ii) 150mm (6") sanitary sewer or storm sewer connection – “at cost”
- (iii) 200mm (8") over - at owner's cost

2. Service Pipe Fees

(a) A "service pipe fee" shall be paid for all sanitary sewer service pipes installed by the City. Except as otherwise provided for in this Bylaw, the "service pipe fee" shall be paid at the time of application for hook-up.

(b) In the case of subdivision of a property, the sanitary sewer "service pipe fee" for all service pipes shall be paid prior to approval of the subdivision plan. Service pipe fees shall be as follows:

- ( i) 100mm (4") sanitary sewer pipe – “at cost”
- ( ii) 150mm (6") sanitary sewer pipe – “at cost”
- (iii) over 150mm (6") - at owner's cost
- (iv) the fees in (i) and (ii) apply where a direct connection to the sanitary sewer main is possible.

Sanitary sewer "service pipe fees" in (i) and (ii) are subject to a discount of \$450. if connection is made within 90 days of the installation of the sewer main as determined by the General Manager. Discounts shall not apply to sanitary sewer connections to a sewer main installed by a developer in fulfillment of the responsibilities and requirements set out for a subdivision or a building development.

3. Notwithstanding any other fee under this Bylaw, the fee shall be at the property owner's cost when:

- (a) the installation entirely by the City of a sanitary sewer service pipe is over 30 metres long; or
- (b) where a manhole is required to be installed on the sanitary sewer main in order to facilitate the connection; or
- (c) a change or modification is requested to an existing sanitary sewer connection.

4. The fee for a disconnection from an existing sanitary sewer connection shall be at cost.

**SCHEDULE “B”**

**SANITARY SEWER USER RATES**

1. Each owner and occupier of real property connected to the Sanitary Sewer system shall pay the following rates:

**Residential Properties**

- i. Per Dwelling Unit

Daily Rate for Each Billing Period  
\$0.45057

**Non- Residential Properties**

- i. Per Parcel
- ii. Plus Volumetric Rate  
Per gallons for each gallon consumed

Daily Rate for Each Billing Period  
\$0.45057  
\$0.003786

2. All rates charged, as set out above shall be due and payable when levied which shall be subject to a discount of five (5) percent, provided rates for the current billing period are paid in full including all arrears then outstanding into the Office of the Collector, or their agents, on or before the close of business on the date set out in the billing form.
3. Interim bills based on estimated water consumption (for volumetric sewer rate purposes) may be levied and collected between billing periods.

PERMIT NO: \_\_\_\_\_

**SCHEDULE "C"**

**CITY OF NANAIMO  
SEWER USE PERMIT**

Date of Application: \_\_\_\_\_

Type of Permit: Annual \_\_\_\_\_ Single Discharge \_\_\_\_\_

Permit Valid From: \_\_\_\_\_ to \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_ Postal Code \_\_\_\_\_

Telephone: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone No. \_\_\_\_\_

Location of Receiving Station(s): \_\_\_\_\_

Insurance Details: \_\_\_\_\_

I (we) agree to comply with the provisions of the City of Nanaimo "SEWER REGULATION AND CHARGE BYLAW 1982 NO. 2496" and amendments thereto:

Single-Discharge Fee: \$25.00

\_\_\_\_\_  
Applicant

Annual Permit Fee: \$200.00

CASH

CHEQUE

MAIL

\_\_\_\_\_  
Authorized Company Official

PERMIT ISSUED

BY: \_\_\_\_\_

**FOR CASH REGISTER USE ONLY**

**WHITE - FINANCE  
PINK - APPLICANT  
YELLOW - CITY YARD**

## **SCHEDULE “C”**

### **CITY OF NANAIMO SEWER USE PERMIT**

Permission is granted to discharge sewage and related waste from septic tanks and holding tanks into the Public Sewer System, only at the receiving station(s) identified in this Permit, subject at all times to the following conditions:

#### Responsibility:

1. The person to whom this Permit is granted (the “permitee”) shall at all times accept full responsibility for any accident that may happen or damage that may be done to any person or property whatsoever, caused directly or indirectly by themselves or their representative, agent or employees, and shall save harmless and indemnify the City from all claims and demands whatsoever in respect to actions undertaken pursuant to this permit.

#### Without Prejudice

2. The permission herein is granted subject to and without prejudice to enforcement of the provisions to the Highway Act, City Bylaws or any other enactment governing City lands and public works or their use by the public.

#### Validity

3. This Permit is valid only for the specific purpose stated herein. Any alteration must be covered by a separate permit.

#### Cancellation

4. This Permit shall be nullified without recourse should the permittee fail to comply with the terms of the permit.

#### Fees

5. Fees paid for this permit are non-refundable.
6. If the permit is annual permit, the permittee shall pay to the City a fee of \$4.00 for each load of sewage discharged into the Public Sewer System under this Permit.

#### General Conditions

7. Sewage shall be discharged only at the receiving station(s) identified in this Permit.
8. All discharges shall be carried on only during daylight hours and the permittee shall take precautions to protect the public from injury or property damage while a discharge is under way. The permittee shall leave the receiving station in a safe and clean condition after the discharge is completed.
9. A written record of the date, time and location of each discharge, and the personnel who carried out the deposit, shall be maintained by the permittee and provided to the General Manager on request.

**SCHEDULE “D”**

*Deleted in its entirety (Bylaw No. 2496.36)*