

## BYLAW 14-2016

A Bylaw of the Resort Village of Big Shell to control the collection, storage and disposal of sewage.

By authority granted under Section 48 of the Public Health Act (1994), and Section 193 of the Urban Municipalities Act, 1984, the Council of the Resort Village of Big Shell in the Province of Saskatchewan, enacts as follows:

1. In this Bylaw the expression:
  - a. "Administrative Authority" means a Medical Health Officer or Public Health Inspector appointed under provisions of the Public Health Act.
  - b. "Householder" means owner, occupant, lessee, or tenant or the person otherwise in charge of any dwelling, or other premises; and also includes the registered owner of the land on which the offending premises sits.
  - c. "Local Governing Authority" means the Council of the Resort Village of Big Shell.
  - d. "Sewage" means any liquid waste other than clear water waste and storm water.
  - e. "Storage or Holding Tank" means a tank constructed of a material that is equivalent to the requirements set out in the National Plumbing Code of Canada 2005, designed to collect and hold sewage without treatment prior to transporting such waste to a final point of disposal.
  - f. "Privy Vault" means a storage or holding tank placed under an outside toilet for confinement and storage of human excrement only.
2. This Bylaw shall apply to the entire Resort Village of Big Shell.
3.
  - a. All householders whose premises are located within the Resort Village of Big Shell must provide an approved storage or holding tank to receive all sewage emanating from their premises.
4. Any person installing storage or holding tanks for the purpose of storing sewage located in the areas identified in Section 2 of this Bylaw, must first obtain approval to do so from the Administrative Authority. A copy of the permit application shall be provided to the Local Governing Authority.
5. All new facilities for the storage of sewage, located within the Resort Village of Big Shell, shall comply with this bylaw and any amendments thereto or revisions thereof.

6. Existing facilities for the storage and/or disposal of sewage shall be required to comply with this bylaw at a time and to an extent specified by the Administrative Authority and the Local Governing Authority.
7. The facilities provided for the storage of sewage, located within the Resort Village of Big Shell shall be of not less than 1,000 gallons with respect to storage or holding tanks, and not less than 250 gallons with respect to privy vaults. In all respects the storage or holding tanks shall be of sufficient size to accommodate 15 days of sewage.
8. In all other respects, the facilities provided for the storage of sewage located within the Resort Village of Big Shell, shall comply with the requirements of the Saskatchewan Shoreland Pollution Control Regulations, 1976 and amendments thereto or revisions thereof.
9. The householder shall maintain all facilities on his property for the storage of sewage in sanitary and structural conditions satisfactory to the Administrative Authority.
10. No person shall provide a sewage transporting service within the Resort Village of Big Shell without a current permit to do so from Saskatchewan Environment or the Saskatchewan Water Security Agency.
11. A person granted approval to transport sewage shall provide the Local Governing Authority with such information as may be required from time to time regarding the service provided to any household.
12. The Local Governing Authority may establish a schedule of fees for disposal of sewage.
13. Sewage transported shall be disposed of only at point(s) approved by Saskatchewan Environment or the Saskatchewan Water Security Agency.
14. All sewage disposed of at the Resort Village of Big Shell Lagoon must be done in accordance with the terms and conditions of the Local Governing Authority permit and directives that may be issued by the Local Governing Authority from time to time.
15. The Local Governing Authority may regulate and fix a schedule of fees for the type and volume of sewage and other liquid waste permitted to be deposited in the Resort Village of Big Shell Lagoon.
16.
  - a. When, in the opinion of the Administrative Authority or Local Governing Authority, there is a breach of any provision of this bylaw, a placard or placards prepared and supplied by the Resort Village of Big Shell giving notice of this breach may be posted on the premises, facility or property where the breach is found.
  - b. Any person, who without permission of the Administrative Authority or the Local Governing Authority, takes down, covers up, mutilates, defaces or alters the placard posted under this bylaw, is guilty of an offence.

- c. The posting of a placard on a premises, facility, or property pursuant to this bylaw shall not relieve the person in default from the possible imposition of a penalty for infringement of this bylaw or from having to carry out the work correcting the breach.

17. If any person fails, neglects or refuses to comply with any provision of this Bylaw within a specified time, the Local Governing Authority may proceed to have the work done that it considers necessary for compliance with the Bylaw, and the cost of the work is to be added to, and thereby forms part of, the taxes on the land on which the work is done.

18. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

- a. in the case of an individual:
  - i. for a first offence:
    - A. to a fine of not more than \$75,000; and
    - B. to a further fine of not more than \$100 for each day during which the offence continues; and
  - ii. for a second or subsequent offence:
    - A. to a fine of not more than \$100,000; and
    - B. to a further fine of not more than \$200 for each day during which the offence continues; and
- b. (b) in the case of a corporation:
  - i. for a first offence:
    - A. to a fine of not more than \$100,000; and
    - B. to a further fine of not more than \$1,000 for each day during which the offence continues; and
  - ii. for a second or subsequent offence:
    - A. to a fine of not more than \$250,000; and
    - B. to a further fine of not more than \$5,000 for each day during which the offence continues.

19. The following bylaws are hereby repealed: 1-88, 2-83, and 2-84

20. This bylaw shall come into force on the date of final approval by the Minister of Health.

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Mayor

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Administrator

The following is background detail (not part of the bylaw)

## Bylaw 1-88

### Bylaw to control the collection, storage and disposal of liquid wastes

#### Issues:

- Makes reference to the Public Health Act Section 83 which was repealed
- In the current version of the act (1994), authority is provided by Section 48.
  - 48(1) ... a council of a municipality may make any bylaws that it considers necessary:
    - (a) for the prevention, treatment or mitigation of disease or injury; and
    - (b) ... for all or any of the functions or purposes set out in subsection 46(1), [such as:]
      - (f) governing and prescribing standards with respect to:
        - (i) the location, construction, maintenance and operation of water works;
        - (ii) the fluoridation of water;
        - (iii) the supply of potable and non-potable water to the public;
      - (g) governing the location, construction and operation of sewage systems and plumbing systems;
        - (i) subject to *The Uniform Building and Accessibility Standards Act*, governing the plumbing, water supply, ventilation, lighting, location, construction and heating of buildings and premises;
        - (j) prescribing the minimum toilet accommodations and other plumbing fixtures required in public places or any category of public places;
- Also refers to the Provincial Plumbing Regulations (latest 2011) that define suitable holding tanks. But Section 3.2 of those regulations says they don't apply to plumbing systems that are private sewer works; i.e, a privately owned works for the reception, treatment and disposal of sewage from only one property owner. So we should drop that reference.
- BUT ... the Private Sewer Works Regulations (P-37.1 Reg. 14 2011) contain relevant information and requirements:
  - (t) "private sewage works" means a privately owned sewage works, other than a pit privy or seepage pit [not including the building drain or the sanitary drainage system upstream of the building drain], located on one property that is:
    - (i) intended to be used for the collection, storage, transmission, treatment or disposal of sewage, effluent or both that does not contain industrial waste; and
    - (ii) exempt from the requirement to have a permit pursuant to section 21 of The Environmental Management and Protection Act, 2002;
      - "21 (1) Subject to subsection (2), no person shall commence the construction, extension, alteration or operation of any waterworks or sewage works unless that person has first obtained a permit from the minister to do so.
      - (2) Subsection (1) does not apply to any prescribed waterworks or class of waterworks or prescribed sewage works or class of sewage works ["prescribed" means prescribed in the regulations]."
- (dd) "sewage holding tank" means a tank designed to collect and hold sewage without treatment before it is transported to a final point of disposal;

4(1) Subject to subsection (2), no person shall establish, install, construct, extend, renovate, alter or repair a private sewage works, except pursuant to the authority of a permit.

(2) Subsection (1) does not apply to private sewage works within a structure, if the structure conforms to [CSA standards for manufactured homes, recreational vehicles, park model trailers or the procedure for factory certification of buildings]

So ... two inconsistencies here that need to be resolved:

- The Private Sewer Works Regulations seem to say that a sewer works is only considered to be a "private sewer works" if, in part, it doesn't require a permit under exemptions in the Environmental Management and Protection Act; i.e., the systems that are "prescribed". So if the system isn't "prescribed", it does require a permit in which case it isn't a private sewer works.
- The Private Sewer Works Regulations' definition of private sewer works excludes the building drain and anything upstream of that. But the Regulations also say that the requirement for a permit do not apply to "private sewer works within a structure" if those systems meet certain CSA standards. How can there be private sewer works within a structure when the definition of private sewer works is only those parts outside the structure?

part of the definition of a private sewer works is that it doesn't need a permit because the Environmental Management and Protection Act says it doesn't seem to say you do need a permit for unless the system is "prescribed"

- Section 3 refers to what measures were to have been taken prior to a particular date – how does that work?
- Says you need written permission to remove more than 100 litres of liquid waste at a time – what?
- References SK Shoreline Pollution Control Regulations (1976 is the current version)

Applicable to a "shoreland development area" which means an area of land:

(ii) that is within 1,500 feet from the high water mark of a lake, river stream or other body of water and upon which is situated an urban municipality or part thereof, or a summer resort or part thereof, or upon which has been or is being established a recreational area or part thereof;

7 Sewage from every building having a plumbing system which is not connected to a public sewage works shall drain into a private sewage works which shall consist of a septic tank or other approved type of treatment or storage.

11(1) The walls and floor of any tank or vault intended for the storage of sewage or human excrement must be of watertight construction.

(2) Unless otherwise approved, septic tanks, storage tanks and privy vaults shall be located at least 10 feet vertically or 50 feet horizontally from normal surface water levels.

12(1) A person in control of a septic tank shall comply with the requirements of Saskatchewan Regulation 154/71 governing plumbing and drainage and any amendments thereto or revisions thereof.

(2) Tanks used for the storage of sewage shall:

- (a) comply with the requirements for septic tanks with respect to material and structural strength; and

(b) unless an applicable municipal bylaw otherwise provides, have a capacity of at least 1,000 gallons and be sufficiently large to accommodate at least 15 days sewage from the premises; and

(c) be of a design acceptable to the administrative authority (i.e., medical health officer or public health inspector).

21 The removal and disposal of the contents of privy vaults and storage tanks shall be carried out by or under the control of the local governing authority or park authority and shall be subject to the approval of the administrative authority.

- Section 9 refers to actions which council may take and charge for but doesn't say what those things are
- Says fine for infringements are not less than \$5.00 and not more than \$100. Also subject to a fine of not less than \$1.00 and not more than \$10.00 per day until he has complied with provisions of bylaw. Seems low, but shoreland pollutions control regulations say:
  - 24(1) A person who infringes any of the provisions of these regulations or fails to comply therewith is guilty of an offence and liable on summary conviction to a penalty of not less than \$5 nor more than \$100.
  - (2) The imposition of such penalty for failure to comply with any of the provisions of these regulations shall not relieve the person in default from carrying out the work therein mentioned, but he is liable on summary conviction to a penalty of not less than \$1 nor more than \$10 for each day after the first penalty is imposed until he has complied with the provisions of these regulations.
- Appears that old bylaws were never repealed so three conflicting bylaws on the topic in force (2-83, 2-84 and 1-88)
- Final enactment of bylaw requires ministerial approval

Recommendation: Enact a new bylaw (as attached)

**14(1)** The council of a rural municipality in which a hamlet or an organized hamlet is located, of a town within the meaning of *The Northern Municipalities Act, 2010*, or of any other municipality other than a rural municipality or northern municipality shall ensure that there is a supply of potable water and a system for the disposal of sewage for use by the inhabitants of the hamlet, organized hamlet, town or other municipality, as the case may be.

**15** No person shall make available to the public a water supply that is not potable unless:

- (a) the public is clearly advised:
- (i) that the water is not potable; and
- (ii) of the uses to which the water may safely be put; or
- (b) the regulations authorize it.