

PEACE RIVER REGIONAL DISTRICT

BYLAW NO. 741

A bylaw to regulate and permit
sewage disposal systems.

WHEREAS Section 789 (1) (d) of the Municipal Act provides that a regional district may, by bylaw, establish and operate building inspection as an extended service;

AND WHEREAS Section 789 (2) (d) of the Municipal Act provides that when a regional district provides building inspection as a service, the provisions of Sections 734 to 741 of the Municipal Act apply;

AND WHEREAS Section 734 of the Municipal Act allows a regional board, for the health, safety and protection of persons and property, by bylaw, to regulate the installation, alteration and repair of plumbing, including septic tanks and sewer connections;

AND WHEREAS Section 734 of the Municipal Act allows a regional board, by bylaw, to require owners to obtain a valid permit before commencing and during the construction, installation, repair or alteration of plumbing, sewers, septic tanks and similar works;

AND WHEREAS the Peace River Regional District (the "Regional District") provides building inspection pursuant to powers granted to it in Supplementary Letters Patent and building inspection continues to be provided as an extended service;

AND WHEREAS the Regional District wishes to regulate and require permits for the installation of sewage disposal systems in the Charlie Lake area of the Regional District;

NOW THEREFORE the Regional Board of the Regional District, in open meeting assembled, enacts as follows:

Name

1. This bylaw may be cited for all purposes as "Sewage Disposal Bylaw No. 741, 1991."

Area

2. This bylaw applies to those portions of Electoral Areas "B" and "C" as shown on the sketch attached to this bylaw as Schedule "A".

Definitions

3. In this bylaw:

"application fee" is the fee payable for a sewage disposal permit as established by section 5 of this bylaw;

"building code" means the regulation made by the Minister of Municipal Affairs under Section 740 of the Municipal Act;

"building inspector" means a person appointed by the Regional Board as building inspector for the Regional District or any other person appointed by the Regional District to administer this bylaw;

"certified plot plan" means a plot plan certified by a professional engineer in the manner described in section 8 of this bylaw;

"owner" means the registered owner of real property or his agent;

"plot plan" means a plan showing the location of all present and proposed buildings, septic tanks and lines, watercourses, drinking water sources and water lines;

"sewage disposal system" means a septic tank and all pipes, connections and other works to conduct waste from plumbing fixtures to a public sewerage;

"stop work notice" means a notice in writing, the form of which is set out in Schedule "D" to this bylaw, issued in accordance with this bylaw which requires the immediate suspension of all excavation, installation, construction, covering over and other work in relation to a sewage disposal system;

Sewage Disposal Permit

4. (a) Every owner shall obtain Part 1 of the sewage disposal permit before commencing any excavation or other preparatory work for installation of a sewage disposal system.
- (b) Every owner shall obtain Part 2 of the sewage disposal system before covering over and using a sewage disposal system.
- (c) Every owner shall obtain Part 3 of the sewage disposal system before connecting a sewage disposal system to any main line of a sewage disposal system operated by the Regional District.

Application Fee

5. After July 1, 1992, every owner shall pay a non-refundable application fee of \$100.00 at the time of applying to the Regional District for a sewage disposal permit.

6. If the building inspector requires the owner to submit certified plot plans, the application fee shall be reduced by \$35.00, which sum represents the cost of the work which would otherwise be done by the building inspector.

Plot Plans

7. Every owner shall submit with his application for a sewage disposal permit a plot plan of the property.

Plan Certification

8. Subject to the qualifications set out below, the building inspector is authorized to require an applicant for a sewage disposal permit to provide the Regional District with a certification by a professional engineer, registered to practise in the Province of British Columbia, that the plot plan complies with the then current Building Code, this bylaw and other applicable enactments.

9. The building inspector may require a certified plot plan where he considers that certification is warranted on the basis of the site conditions, the size of the sewage disposal system, or the complexity of the sewage disposal system.

10. Where the building inspector requires a certified plot plan, he shall cause to be mailed to the owner a notice of reliance in the form of notice attached to this bylaw as Schedule "C" and forming part of this bylaw.

Soil Tests

11. The building inspector may require the owner to deliver to the building inspector the results of any test, whether of soil, fill, materials or otherwise, which the building inspector considers necessary to determine whether the sewage disposal system will conform with the requirements of this bylaw and other enactments.

Removal of Soil

12. When required by the building inspector, an owner shall uncover and replace at his own expense any work that has been covered contrary to this bylaw or an order of the building inspector.

Refusal of a Sewage Disposal Permit

13. The building inspector may refuse to issue a sewage disposal permit if:
 - (a) the application fee is not paid in cash or by certified cheque;
 - (b) a plot plan is not submitted with the permit application;

- (c) a certified plot plan is not submitted when the building inspector requires it;
- (d) the information submitted in the application or the plot plan or certified plot plan is incorrect;
- (e) the information submitted in the application or the plot plan or certified plot plan is inadequate for the building inspector to determine if there is compliance with all applicable enactments; or
- (f) issuance of the sewage disposal permit would be prohibited by or contrary to another bylaw, act or regulation.

Tests

14. The building inspector may revoke or refuse to issue a sewage disposal permit where the results of tests authorized under the Building Code or this bylaw or another regulation of the Regional District prove that materials, devices, construction methods, structural assemblies or foundation conditions do not provide the level of performance required by the building code or this bylaw.

Issuance of a Permit

15. Where:

- (a) there is no ground for refusal of a sewage disposal permit pursuant to section 13 of this bylaw;
- (b) an application in the correct form has been made for a sewage disposal permit;
- (c) the application fee has been paid;
- (d) the plot plans or certified plot plans have been submitted;
- (e) all tests required by the building inspector have been conducted to the building inspector's satisfaction; and
- (f) the sewage disposal system would conform with this bylaw and all other bylaws, the building code and other applicable enactments,

the building inspector shall issue a sewage disposal permit.

Lapsing of a Permit

16. Every sewage disposal permit is issued on the condition that work proceed continuously, that no excavation be left in an unsightly or dangerous condition, and that all work be completed within six months of the issuance of the sewage disposal permit, at which time the sewage disposal permit shall lapse.

Revocation of Permit

17. The building inspector may revoke a sewage disposal permit, by delivering a notice to the owner, where:

- (a) there is a contravention of any term of condition in any part of the sewage disposal permit;
- (b) there is contravention of the Building Code; or
- (c) the sewage disposal permit was issued on the basis of incorrect information supplied by the owner.

Entry on Real Property

18. The building inspector, his designate or any officer of the Regional District may enter on real property between the hours of 7:00 a.m. and 9:00 p.m. on any day for the purpose of administering and enforcing this bylaw.

Stop Work Order

19. Where any sewage disposal system, or portion thereof:
- (a) contravenes the Building Code, this bylaw or any other bylaw of the Regional District, or any other applicable enactment;
 - (b) contravenes the specifications of the plot or certified plot plan submitted with the application for the sewage disposal permit; or
 - (c) is being constructed without a sewage disposal permit having been issued by the building inspector,

the building inspector, his designate, or any officer of the Regional District may issue a stop work notice by causing it to be posted on the property or attached to any structure on the property.

20. So long as any stop work notice is in effect, no person shall do any work on the sewage disposal system in contravention of the notice.

Documents on Site

21. Every owner shall, during construction of a sewage disposal system:
- (a) post a copy of the sewage disposal permit on the property in a conspicuous place; and
 - (b) keep a copy of the plot plan or certified plot plan on the property.

Inspections

22. Every owner shall give at least two business days' notice to the building inspector to obtain an inspection and approval of the following work:
- (a) after completion of all excavation required for the sewage disposal system; and
 - (b) after installation but before the covering over of the septic tank and other works associated with the sewage disposal system.

Duties of Building Inspector

23. (a) The building inspector shall keep records of any application received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of this bylaw, all for at least seven years.
- (b) The building inspector shall not act in the capacity of an engineering or architectural consultant.

Prohibition

24. Every person commits an offence contrary to the provisions of this bylaw who:
- (a) starts or authorizes any construction related to a sewage disposal system unless the building inspector has issued to him a valid sewage disposal permit;
 - (b) does any work that is at variance with the description, plans and specifications contained in the plot plan or certified plot plan;
 - (c) obstructs the entry of the building inspector or other person authorized by this bylaw to administer or enforce this bylaw;
 - (d) reverses, alters, defaces, covers, removes, or in any other way tampers with a stop work notice affixed in accordance with this bylaw;
 - (e) uses a sewage disposal system contrary to the terms of the sewage disposal permit;

- (f) continues work on a sewage disposal system following the posting of a stop work notice;
- (g) submits false or misleading information in connection with an application for a sewage disposal permit; or
- (h) contravenes any provision of this bylaw.

Penalties

- 25. (a) Any person who commits an offence contrary to the provisions of this bylaw is liable on summary conviction to a penalty of not more than \$2,000.00 in addition to the costs of the prosecution.
- (b) Each day a violation is caused or allowed to continue constitutes a separate offence.

Severability

26. If any section, subsection, sentence, clause, or phrase in this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

Schedules

27. Schedules "A" through "D" inclusive are attached to and form part of this bylaw.

Repeal

28. The following words are added to the end of a Subsection 4 (b) of Building Bylaw No. 400, 1984:

"PROVIDED THAT this subsection does not apply to any owner of real property or his agent where the real property is governed by the Regional District's Sewage Disposal Bylaw;"

READ A FIRST TIME this 23rd day of May, 1991.

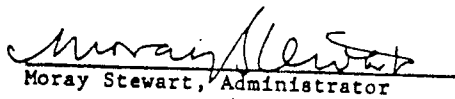
READ A SECOND TIME this 23rd day of May, 1991.

READ A THIRD TIME this 23rd day of May, 1991.

Notice of Intent advertised this 20th and 21st days of June, 1991.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 27th day of June, 1991.

CERTIFIED A TRUE AND CORRECT COPY
of "Sewage Disposal By-Law No. 741,
1991".


Moray Stewart, Administrator

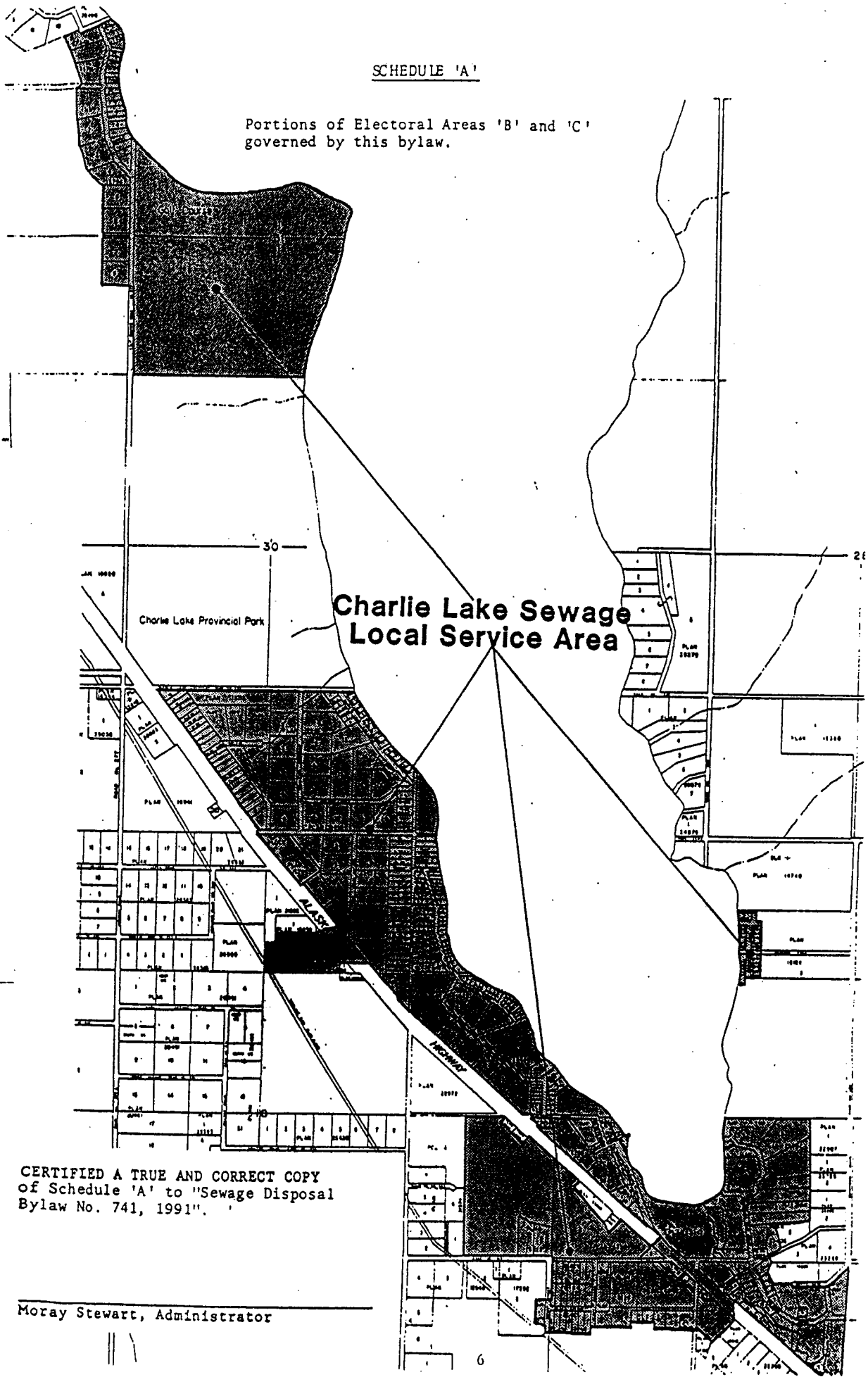
THE CORPORATE SEAL of the Peace
River Regional District was hereto
affixed in the presence of:


Ben Knutson, Chairman


Moray Stewart, Administrator

SCHEDULE 'A'

Portions of Electoral Areas 'B' and 'C'
governed by this bylaw.



CERTIFIED A TRUE AND CORRECT COPY
of Schedule 'A' to "Sewage Disposal
Bylaw No. 741, 1991".

Moray Stewart, Administrator

SCHEDULE "B"

Peace River Regional District

Permit No. _____

APPLICATION FOR A SEWAGE DISPOSAL PERMIT

Name of Applicant: _____
[the "Applicant"]

Applicant's Status: _____
[contractor, architect, etc.]

Applicant's Address: _____
_____ Telephone No. _____

Name of Owner: _____
[the "Owner"]

Owner's Address: _____
_____ Telephone No. _____

Address or Location of Property: _____

Legal Description of Property: _____
[the "Property"]

Intended Use of Building to be
Serviced on Property: _____

Zoning of Property: _____

The Owner hereby applies to the Peace River Regional District (the "Regional District") for permission to excavate for, install, cover over, use, repair and maintain a sewage disposal system on the Property (the "Sewage Disposal System") and connect it to the Regional District sewage disposal system, when the system is operational.

In consideration of the issuance of a Sewage Disposal Permit to the Owner, the Owner agrees that the terms and conditions set out on the following pages form part of this Sewage Disposal Permit and the Owner agrees to comply fully with and be bound by those terms and conditions.

THE OWNER HAS READ AND UNDERSTOOD THE TERMS AND CONDITIONS AND AGREES THAT THEY WILL BE OBSERVED BY THE OWNER, HIS EMPLOYEES, SERVANTS, AGENTS, LICENSEES AND INVITEES.

The Applicant warrants and represents that he has the power, authority and capacity to enter into this agreement on behalf of the Owner and to bind the Owner with his signature.

The Applicant and the Owner agree to release, indemnify and save harmless the Peace River Regional District from and against any claims, liability, costs and other harm which any person may have due to the issuance of this permit, including any loss resulting from the Applicant not having the authority to enter into this agreement on behalf of the Owner.

Dated this _____ day of _____, 1991.

[if Owner or Applicant is an individual]

[signature]

[print name]

[if Owner is a corporation or society]

The Common Seal of the
Owner was hereunto
affixed in the presence of:

[signature of applicant]

ON BEHALF OF

[name of Owner]

Checklist

Fee Received: _____
Plot Plans Received: _____
Certification of Plot Plans Required: _____ Yes _____ No
Compliance with Zoning: _____
Approved by Community Manager: _____

PART 1 - PERMISSION TO EXCAVATE AND INSTALL

IN RELIANCE ON THE APPLICATION COMPLETED BY THE OWNER ON THE _____ DAY OF _____, 19____, THIS PERMIT IS HEREBY ISSUED AS OF THE _____ DAY OF _____, 19____, PERMITTING THE OWNER TO EXCAVATE AND INSTALL A SEWAGE DISPOSAL PERMIT ON THE TERMS AND CONDITIONS ATTACHED AND SUBJECT TO ANY SPECIAL REMARKS NOTED HERE:

The Owner may not cover over any septic tank or other portions of the sewage disposal system until Part 2 of this permit is issued.

PEACE RIVER REGIONAL DISTRICT

[signature of Building Inspector]

PART 2 - PERMISSION TO COVER OVER AND USE

IN RELIANCE ON THE APPLICATION COMPLETED BY THE OWNER ON THE _____ DAY OF _____, 19____, THIS PERMIT IS HEREBY ISSUED AS OF THE _____ DAY OF _____, 19____, PERMITTING THE OWNER TO COVER OVER AND USE THE SEWAGE DISPOSAL SYSTEM ON THE TERMS AND CONDITIONS ATTACHED AND SUBJECT TO ANY SPECIAL REMARKS NOTED HERE:

The Owner may not connect the sewage disposal system to any main line of a sewage disposal system operated by the Regional District until Part 3 of this permit is issued.

PEACE RIVER REGIONAL DISTRICT

[signature of Building Inspector]

PART 3 - PERMISSION TO CONNECT TO MAIN SYSTEM

IN RELIANCE ON THE APPLICATION COMPLETED BY THE OWNER ON THE _____ DAY OF _____, 19____, THIS PERMIT IS HEREBY ISSUED AS OF THE _____ DAY OF _____, 19____, PERMITTING THE OWNER TO CONNECT HIS SEWAGE DISPOSAL SYSTEM TO THE MAIN LINE OF THE REGIONAL DISTRICT'S SEWAGE DISPOSAL SYSTEM ON THE TERMS AND CONDITIONS ATTACHED AND SUBJECT TO ANY SPECIAL REMARKS NOTED HERE:

The Owner shall notify the Building Inspector at least 24 hours before connection of the sewage disposal system to the main line.

PEACE RIVER REGIONAL DISTRICT

[signature of Building Inspector]

* * * * *

TERMS AND CONDITIONS OF
SEWAGE DISPOSAL PERMIT

Application Fee

1. If this application is made after July 1, 1992, the Owner shall pay a fee of One Hundred (\$100.00) Dollars to the Regional District for the Sewage Disposal Permit at the time of applying for the Permit (the "Application Fee"). The Application Fee shall be paid by cash of certified cheque. The Application Fee is non-refundable.

Duration of Permit

2. Each part of this Permit is valid as of the date of issuance noted above and expires six (6) months after the date of issuance.

Compliance With Laws

3. The Owner must construct, install, use, maintain, and repair the Sewage Disposal System in compliance with all applicable laws and regulations, including the Regional District's Sewage Disposal Bylaw and other bylaws adopted by the Regional District from time to time.

Location of Septic Tanks

4. An owner shall not install a septic tank less than:
- (a) one metre from the property boundary;
 - (b) one metre from a residential building on the property;
 - (c) three metres from a domestic water pipe line; or
 - (d) fifteen metres from a source of domestic water.

Plot Plans

5. The Owner shall submit with each application for a Sewage Disposal Permit a plot plan of the Property showing locations of buildings, septic tanks and lines, watercourses and all drinking water sources, and water lines (the "Plot Plan").

Engineered Plans

6. Where the Regional District Building Inspector considers that engineered plans are necessary due to site conditions on the Property, the size of the Sewage Disposal System, or the complexity of the Sewage Disposal System, the Building Inspector may require the Owner to have a professional engineer certify that the Plot Plan complies with the B.C. Building Code, Regional District bylaws and other applicable rules and regulations (the "Engineered Plans").

Reduced Application Fee

7. Where the Building Inspector requires the Owner to submit Engineered Plans, the Application Fee shall be reduced from \$100 to \$65.00.

Reliance on Certified Plans

8. Where Engineered Plans are required and received, the Regional District hereby notifies the Owner that it is relying on the certification of the professional engineer that the Plot Plans comply with the current B.C. Building Code, Regional District bylaws and other applicable rules and regulations.

Revocation of Permit

9. The Regional District may revoke the Sewage Disposal Permit at any time, without payment of damages, costs or compensation to the Owner, if the Owner does not comply with the terms and conditions of this Permit and with any applicable rules and regulations.

Governing Law

10. This Permit shall be governed by and construed in accordance with the laws of the Province of British Columbia and the Owner agrees to submit to the jurisdiction of the courts of British Columbia.

Enurement

11. This Permit shall enure to the benefit of and be binding on the Owner and the Owner's respective heirs, executors, administrators, successors, assigns and transferees.

SCHEDULE "C"

[PEACE RIVER REGIONAL DISTRICT LETTERHEAD]

[date]

[name and address of owner
as that information appears
on the application for the
Sewage Disposal Permit]

Dear _____:

Re: Application for Sewage Disposal Permit

The Regional District has received your application for a Sewage Disposal Permit for property located at _____ [address as shown on application].

In reviewing the information submitted with your application, the Building Inspector has determined that a professional engineer must certify that the sewage disposal system, if built in accordance with the plans, will comply with the B.C. Building Code, the Regional District's bylaws and all other enactments which regulate the safety of sewage disposal systems.

This letter is to inform you that in issuing a Sewage Disposal Permit to you, the Regional District will be relying on the certification of the professional engineer. Such reliance by the Regional District may limit any liability which the Regional District would otherwise incur for any damage, loss or expense which may result from an error or omission in the engineered plans.

Yours truly,

PEACE RIVER REGIONAL DISTRICT

[signature of Building Inspector]