

# THE RURAL MUNICIPALITY OF GIMLI

## BY-LAW NO. 12-0017

### BEING A BY-LAW OF THE RURAL MUNICIPALITY OF GIMLI TO REGULATE THE CONSTRUCTION, INSTALLATION, AND USE OF COMMON SEWERS AND PRIVATE SEWAGE DISPOSAL SYSTEMS AND OUTDOOR TOILET FACILITIES WITHIN THE RURAL MUNICIPALITY OF GIMLI

WHEREAS Section 250(2) S.M. 1996, c. 58 of "The Municipal Act" provides as follows:

Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (b) construct, operate, repair, improve and maintain works and improvements;
- (c) acquire, establish, maintain and operate services, facilities and utilities;

AND WHEREAS Section 232(1) S.M. 1996, c. 58 of The Municipal Act provides as follows:

A Council may pass bylaws for Municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;

### DEFINITIONS

- 1.1 "Council" means the Council of the Rural Municipality of Gimli;
- 1.2 CSA refers to items manufactured and approved under the regulations and guidelines of the Canadian Standards Association.
- 1.3 "Environment Officer" means a Public Health Inspector or Environment Officer as appointed or designated under "The Manitoba Environment Act";
- 1.4 "Graded Stone" means durable, insoluble, decay-resistant and washed rock or stone ranging in diameter from 1 cm to 7.5 cm (0.4 inch to 3 inches).
- 1.5 "Greywater" means liquid waste from a dwelling or other building produced by bathing, laundering or food preparation activities or from drainage associated with these sources and specifically excluding sewage and septage.
- 1.6 "Greywater Pit" means an excavation filled with graded stone and covered with top soil for the disposal of greywater.

 

- 1.7 "Holding Tank" means a watertight receptacle designed approved in accordance with the regulations to "The Environmental Act" of Manitoba to retain sewage, wastewater, greywater or wastewater effluent.
- 1.8 "Composting Toilet" means a self-contained water tight toilet receptacle designed and manufactured for the purpose of sewage disposal based on a biological process which relies upon micro organisms naturally presented within the organic material to compost the waste in a non-aqueous, aerobic environment.
- 1.9 "Municipality" means the Rural Municipality of Gimli;
- 1.10 "Municipal Inspector" means the person appointed as such from time to time by the Council of the Rural Municipality of Gimli;
- 1.11 "Outdoor Toilet Facility" means a vault privy.
- 1.12 "Outhouse" means an outdoor building used for the purpose of a toilet which is not serviced by a vault as defined in this By-Law.
- 1.13 "Owner" means a person who is an owner of a freehold estate in real property in the Municipality and includes a person who is the owner of such an estate jointly with another person, and a person who is registered under The Condominium Act as the owner, as defined in that Act, of a unit under that Act;
- 1.14 "Premises" means any real property located within the Municipality.
- 1.15 "Private Sewage Disposal System" means any method of treating and disposing of sewage approved by the Municipality other than connection to a municipal sewage system including a Greywater Pit, a Septic Tank, a Septic Field, a Outdoor Toilet Facility containing an Outhouse Holding Tank, and a Composting Toilet which is licensed, constructed and installed to the requirements and specifications as contained in the regulations of "The Manitoba Environment Act" and approved by the Municipality.
- 1.16 "Septic Tank" means a CSA approved watertight receptacle for the primary treatment of sewage and the digestion of sludge, which is licensed and constructed to the requirements, and specifications as contained in the regulations of "The Manitoba Environment Act".
- 1.17 "Septic Field" means a field used for the disposal of wastewater and human toilet sewage, which is licensed and constructed to the requirements and specifications as contained in the regulations of "The Environment Act".
- 1.18 "Sewage" means human fecal or urinary waste and other human body and toilet waste.
- 1.19 "Sewage Effluent" means sewage after it has undergone at least one form of physical, chemical or biological treatment

- 1.20 "Sewage System" means the sewage disposal system of the Municipality including all common sewers, interceptor sewers, pumping stations and treatment required to transport or treat Wastewater and Sewage.
- 1.21 "Vault" in relation to a vault privy, means a holding tank.
- 1.22 "Vault Privy" means an Outdoor Toilet Facility in which the sewage receptacle consists of a vault.
- 1.23 "Wastewater" means either greywater or sewage or both.

### **GENERAL**

- 2.1 This By-law shall be administered by the Chief Administrative Officer, a Designated Officer and the Public Works Department of the Municipality or other such persons as may be authorized in writing by Council from time to time to exercise some or all of the powers granted to the Municipality by this By-law.
- 2.2 With the consent of the Owner or occupant, or subject to any provisions of "The Municipal Act" permitting entry without permission, the Environment Officer and /or Municipal Inspector shall have the authority to enter upon any Premises for the purposes of inspection, observation, sampling and testing in accordance with the provisions of this By-law.
- 2.3 A person shall not connect to the Sewage System without first obtaining a permit from the Municipality and paying applicable fees, such as local improvement levies and service connection charges and such permit shall be separate and apart from any Building or Plumbing permits which must be obtained from Eastern Interlake Planning District and will be separate and apart from any Province of Manitoba Regulatory registration requirements.

### **CONSTRUCTION AND APPROVAL**

- 3.1 Private Sewage Disposal Systems shall not be permitted, constructed, repaired or installed after the passage of this By-Law for any area of the Municipality, which fronts on or is immediately adjacent to a road upon which is located the Sewage System.
- 3.2 Premises currently served by a Private Sewage Disposal System that fronts on or is immediately adjacent to a road upon which is located the Sewage System were required to connect to the Sewage System by December 31, 2008. All future projects will be required to connect to the Sewage System by the connection deadline specified for the project by resolution of council.

- 3.3 Premises listed in Schedule "B" attached hereto shall be exempt from the deadline imposed in Clause 3.2 except where Clause 3.1 would apply. The properties listed in Schedule "B" are required to pay all applicable connection fees and local improvement levies pertaining to their area prior to connecting to the Sewage System. Schedule "B" may be amended at any time by resolution of council.
- 3.4 New Outdoor Toilet Facilities or Outhouses shall not be permitted, constructed, or installed in any area of the Municipality except those public parks as identified on Schedule "A" hereto.
- 3.5 All existing Private Sewage Disposal Systems serving Premises which do not front on or are not adjacent to a road upon which is located the Sewage System and which have not been approved in writing by the Municipality shall be replaced by a Private Sewage Disposal System approved by the Municipality and which is licensed, constructed and installed to the requirements and specifications contained in the regulations of "The Environment Act" by December 31, 2008, except in those public parks identified on Schedule "A" hereto.
- 3.6 Any new buildings used or designed for human habitation, employment or recreation or any new buildings used for commercial or industrial purposes wherein Wastewater and/or Sewage is generated that is located in the area of the Municipality where there is access to the Sewage System must be connected to the Sewage System and all such work to make or incidental to such connection including, maintenance and repair shall be done at the owner's expense in such a manner and according to standards of the Municipality in force at the time.
- 3.7 If the Environment Officer or Municipal Inspector determines that any Private Sewage Disposal System existing at the passage of this By-law has not been constructed or installed in accordance with the approved regulations, or is not maintained in a sanitary condition, and the Environment Officer or Municipal Inspector deems the same to be a danger to or injurious to public health or to the environment or to the Owner or occupier of the said Premises or to the Municipality generally for the area of the Municipality where there is access to the Sewage System , then the Environment Officer or Municipal Inspector shall order the Owner and/or occupier of the Premises to forthwith cease using the said system and to forthwith connect up to the Sewage System and upon refusal or neglect of the Owner or occupier to comply with such Order, the Municipality shall Order that any building serviced by such system shall not be occupied until such Order is complied with.
- 3.8 If the Environment Officer or Municipal Inspector determines that any Private Sewage Disposal System existing at the passage of this By-law has not been constructed or installed in accordance with the approved regulations, or is not maintained in a sanitary condition, and the Environment Officer or Municipal Inspector deems the same to be a danger to or injurious to public health or to the environment or to the Owner or occupier of the Premises or to the Municipality generally, for an area of the Municipality where there is no access to the Sewage System , then the Environment Officer or the Municipal Inspector shall order the owner and/or occupier of the Premises to forthwith cease using

the said system and to forthwith replace the contravening Private Sewage Disposal System with a Private Sewage Disposal System approved by the Municipality and allowed under this By-Law ,that is constructed or installed in accordance with the approved regulations, and upon refusal or neglect of the Owner or occupier to comply with such Order, the Municipality shall order that any building serviced by such system shall not be occupied until such Order is complied with.

- 3.9 All Outdoor Toilet Facilities existing at the passing of this By-Law must be maintained in a sanitary manner and pumped out as necessary. At a minimum all sewage shall be pumped from the holding tank in an Outdoor Toilet Facility annually by May 31 in each and every year. Proof of compliance shall be in the form of a bill from a recognized sewage hauling service to be provided to the Municipal Inspector and /or Environment Officer upon request. Premises currently served by an Outhouse which do not comply with the definition of an Outdoor Toilet Facility in this By-law, shall be required to connect to a Municipal Sewage System where available or to demolish the existing Outhouse and to install and connect to a Holding Tank by December 31, 2008.
- 3.9.1 All abandoned or defective Private Sewage Disposal Systems, Holding Tanks and Outdoor Toilet Facilities must be pumped out and filled with inert materials or pit materials or shall be removed and the environment restored to its original natural condition. The buildings that contained the Outdoor Toilet Facility must be demolished and removed from the property.
- 3.9.2 Sewage Haulers that are licensed to operate in the Municipality must report to the Utility Service Department, on a monthly basis, any abandoned, defective, or leaking Private Sewage Disposal Systems, Holding Tanks and Outdoor Toilet Facilities that they service.

#### **PENALTIES**

- 4.1 Any person who contravenes this By-law is guilty of an offence, and liable to a fine of not less than \$500.00 and not exceeding \$2,000.00, and costs, and in default of payment to collect the fines in the same manner as taxes. Each day that the contravention of this By-law continues after the receipt from the Municipality of the notice to correct the contravention, shall constitute a separate offence.

#### **SEVER ABILITY AND EFFECTIVE DATE**

- 5.1 If any provision of this By-law is held to be invalid by any court of competent jurisdiction the remaining provisions of this By-law shall not be invalidated.
- 5.2 This By-law shall come into force and take effect upon the passing thereof.

**AND FURTHER THAT** By-Law 07-0042 is hereby repealed.

**DONE AND PASSED** in open Council assembled at the Council Chambers of the Rural Municipality of Gimli, at Gimli in Manitoba, this 11th day of October, 2012.

**RURAL MUNICIPALITY OF GIMLI**

  
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Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 27<sup>th</sup> day of September, 2012.  
Read a second time this 11<sup>th</sup> day of October, 2012.  
Read a third time this 11th day of October, 2012.

**THE RURAL MUNICIPALITY OF GIMLI  
BY-LAW NO. 12-0017  
SCHEDULE "A"**

1. **Camp Morton Provincial Park:** Limited to Pail Privies and or Private Sewage System
2. **Lake Forest Community Park:** Pail Privy
3. **Glen Bay Community Park:** Pail Privy
4. **Silver Harbour Beach:** Pail Privy
5. **Centennial Park:** Pail Privy
6. **Moonlight Bay:** Pail Privy
7. **Stevens Park:** Pail Privy
8. **Special Events, as approved by the Chief Administrative Officer**

*JR*  
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**THE RURAL MUNICIPALITY OF GIMLI**  
**BY-LAW NO. 12-0017**  
**SCHEDULE "B"**

The following areas must comply with clause 3.1 of By-law 12-0017 and pay all applicable connection fees or local improvement levies pertaining to their area prior to connecting to the Sewage System.

- (i) Premises located along the existing North Forcemain line that extends from Kings Park Estates to Misty Lake Lodge, inclusive of all lots in the Kings Park Subdivision and the Rails End Subdivision, as shown in plan numbers:

21039, 19475, 20635, 29639, 51648, 52162, Desc SE 32-19-4E,  
Desc NE 32-19-4 E

- (ii) Premises located along PR 231 between PTH 9 and Solvin Road, as shown in plan numbers:

Lots 1, 4 -11, 14-20, 24 of Plan 16603, Plans 19148, 43057, 13573,  
Condo Plan 20, Desc SE 20-19-4E

- (iii) Premises that were not included in the Local Improvement District for their area must comply with clause 3.1 of this by-law and includes the following lands:

Lot 17, Plan 19446 not included in LID No. 15  
Lot 2, Plan 10180 not included in LID No. 16  
Lot 3, Plan 10180 not included in LID No. 16

*JR.*  
*Q*