

CANADA
PROVINCE OF QUEBEC
DISTRICT OF HULL

MUNICIPALITY OF CHELSEA
MRC DES COLLINES-DE-L'OUTAOUAIS

BY-LAW N° 826-12

**BY-LAW RESPECTING THE EMPTYING OF SEPTIC AND HOLDING TANKS
OF ISOLATED DWELLINGS WITHIN THE TERRITORY OF THE
MUNICIPALITY OF CHELSEA**

WHEREAS Section 88 of the *Regulation respecting waste water disposal systems for isolated dwellings* (R.R.Q., Q-2, r.22) stipulates that it is the responsibility of every municipality to enforce the requirements outlined in this Regulation;

WHEREAS Section 25.1 of the *Municipal Powers Act* (R.S.Q., c. C-47.1) gives municipalities the power to carry out the emptying of septic and holding tanks and in return, demand owners to pay a compensation for this service;

WHEREAS in December 1996, Council adopted By-law Number 460-96 concerning the emptying of septic tanks and that some adjustments are necessary to facilitate its application;

WHEREAS a Notice of Motion of this By-law was duly given during a Council meeting held April 2, 2012;

IT IS THEREFORE PROPOSED by Councillor _____ and _____, seconded by Councillor _____ and _____ resolved that By-law Number 826-12, be and is hereby adopted and as a result, Council orders and decrees what follows:

SECTION 1 - PREAMBLE

The preamble is an integral part of this By-law.

SECTION 2 - PURPOSE

This By-law aims to establish standards for a Municipal Program to carry out the emptying of septic and holding tanks within the territory of the Municipality of Chelsea.

SECTION 3 - TERMINOLOGY

For the purposes of this By-law, unless indicates otherwise, the following words and expressions mean or designate:

Administering authority: Any person designated by resolution of the Council of the Municipality and responsible for implementing, in whole or in part, this By-law.

Contractor: The successful bidder, its representatives, successors or assigns, as the contracting party with the Municipality of Chelsea and who is responsible for all septic emptying work on the territory of the Municipality.

Emptying: Operation of removing completely from a septic and holding tanks all its contents, liquids, solids and scum, up to full capacity. If a truck type *JugglerMC* is used, the emptying is also the fact of returning to the septic tank, the supernatant filtered through the normal process of technology *JugglerMC*.

Emptying period: Period during which the Contractor is emptying the septic and holding tanks of isolated dwellings in the territory of the Municipality.

Grey water: Kitchen, bathroom, laundry water and water coming from any appliance other than a toilet.

Holding tank: A watertight tank intended for storing sewage from a chemical or low-flush toilet or grey water before haulage.

Inspector: Administering authority designated by the Municipality, moreover, the term *inspector* as used in this By-law also refers to employees under the supervision of the latter.

Isolated dwelling: A family or multifamily dwelling including six (6) bedrooms or less, and that is not connected to a sewer system authorized by the Minister under Section 32 of the *Environment Quality Act* (R.S.Q. c. Q-2).

Maintenance: Routine recurring work or action required to keep a disposal system in such condition that it may be continuously utilized, at its original or designed capacity and efficiency.

Municipality: The Municipality of Chelsea.

Obstruction: Any equipment, material object or construction that covers any cap, cover or other element closing the opening of all septic or holding tanks such as: earth, gravel, grass, shrubs, ornaments, furniture, etc.

Occupant: A person who enjoys the use of an isolated dwelling, whether as owner, lessee, usufructuary, possessor or otherwise.

Septic installation: Standalone device for the evacuation, reception or treatment of gray water or toilet effluents.

Septic tank: A primary treatment system composed of a tank intended for receiving waste water or grey water.

Service area: A location or parking space that can be used for this purpose by a service vehicle designed to empty septic or holding tanks.

Tank: For the purpose of this By-law, the word *tank* refers to a septic tank or a holding tank.

Waste water: Toilet effluents combined with grey water.

SECTION 4 - PERSONS SUBJECT TO THIS BY-LAW

This By-law applies to every owner or occupant of a residential dwelling located on the territory of the Municipality of Chelsea

SECTION 5 – LISTED BUILDINGS

Are covered by this Program, all isolated dwellings in the practical sense of this By-law, regardless if they are used year-round or seasonally. Commercial establishments are excluded from this By-law.

SECTION 6 – EMPTYING FREQUENCY

All septic tank and holding tanks found on the territory of the Municipality serving an isolated dwelling must be emptied and inspected once every three (3) years, without limiting the general provisions of the *Regulation respecting waste water disposal systems for isolated dwellings* which stipulates a different frequency.

Are excluded from this Municipal Program for the emptying of septic and holding tanks, septic installation that are located in inaccessible locations for emptying and septic systems serving buildings that are not isolated dwellings as defined by this By-law.

SECTION 7 – COMPLIANCE WITH THE ENVIRONMENT QUALITY ACT

Notwithstanding the provisions of this By-law, the owner of a septic system is not exempt from the application of Sections 13 and 59 of the *Regulation respecting waste water disposal systems for isolated dwelling* or permit conditions issued under the *Environment quality act*. In these cases, the owner must have a third party carrying out the maintenance work and assume all of the costs, if necessary.

SECTION 8 – EMPTYING BY A THIRD PARTY OR OFF-PERIOD

If, during the time interval elapsing between two emptying required under this By-law, the septic system of an isolated dwelling requires one or more emptying, the owner must empty it at his own expenses, by a third party of his choice, and inform the administering authority. Such additional emptying does not however exempt the owner from the obligation to allow the emptying and inspection of the septic system at the time prescribed by this By-law.

SECTION 9 - SCHEDULE

The emptying schedule begins May 15 and ends November 15 of each year.

SECTION 10 - SYSTEMATIC EMPTYING PERIOD

A notice is sent by the inspector to the occupant of an isolated dwelling informing him of the period during which the two (2) original covers of the holding or septic tank must be cleared. The systematic emptying period ends when the emptying is completed by the Contractor or at the latest date found on the notice. The notice is hand delivered to the occupant of the isolated dwelling, placed in the mailbox or at a visible location if nobody is on the premises at the time of delivery of the notice. No changes will be allowed to the schedule.

SECTION 11 - PREPARATORY WORK

Throughout the period during which the two (2) covers of the tank(s) must be cleared within the meaning of Section 10, the owner or occupant must keep:

- The premises clean and clear giving access to the septic or holding tank, including the surrounding vegetation, so that the service area to receive the Contractor's vehicle is located at a distance less than or equal to 40 meters from any opening of any tank, this service area to be a minimum width of 4.2 meters and a minimum height clearance of 4.2 meters. A thoroughfare suitable for vehicles (street, road, path, etc.) can be used as a service area if it meets the above mentioned standards defining width & height clearance and distance;
- All caps, covers or other elements closing the opening of a septic or holding tank must be free of any obstruction, by unearthing it if need be, objects and other materials that cover them so as to leave a space of 15 cm (6 inches) all around the cap, cover or element. In doing so, the occupant must take all the necessary means to prevent damage that may result from circulation in proximity of the tank(s). The occupant must clearly indicate the location of the opening of the septic or holding tank and must unseal the lids in order to be easily raised by the Contractor. Should the distance between the farthest opening of the tank and the service area be over 40 meters, the owner is required to obtain, at his expense, all service and equipment needed to perform the emptying despite the distance. Tanks are not emptied by extension pipes or observation holes.

SECTION 12 - FORBIDDEN SUBSTANCES

If, while inspecting a septic or holding tank, the Contractor finds that the tank contains forbidden substances such as combustible, chemical, metallic, toxic, explosive, corrosive, radioactive materials or other dangerous matter, the owner is then obligated to drain the septic system, to decontaminate the waste water before disposal in accordance with the *Environment Quality Act* and assume all costs associated with this operation, all within 10 days following the delivery of a notice informing him of the presence of forbidden substances in his septic or holding tank.

SECTION 13 – PUMPING STATION AND EFFLUENT FILTER STATION

Pumping station and effluent filter station are not emptied by the Contractor under this Program.

SECTION 14 - ACCESS

Owners or occupants of an isolated dwelling must allow access to the Contractor to proceed with the emptying of septic system between the hours of 7 am and 7 pm, Monday through Friday.

SECTION 15 - INSPECTION OF THE PREMISES

The administering authority is allowed to visit and examine, at any reasonable time, and if necessary the interior and exterior of any isolated dwelling and its wastewater treatment system to see if the By-law is respected. The owner is required to allow entry and answer all questions put to him regarding his obligations to respect this By-law.

SECTION 16 - DISCLAIMER

At the time of the emptying or of an inspection, the Municipality cannot be held responsible for damages that occur on the premises or to persons following a break, malfunction or defect in the system intended for the evacuation and treatment of wastewater from isolated dwellings.

SECTION 17 - BY-LAW ENFORCEMENT

This By-law is enforced by the administering authority appointed by Council.

SECTION 18 - FEE

An annual fee is imposed for each septic and holding tank under this By-law.

SECTION 19 - INFRACTION

Any person who acts in contravention of this By-law, who does or omits to do something that assists another person to act in contravention of this By-law or that encourages a board, by giving permission, consent, approval, ratification, tolerance or otherwise, to another person to act in contravention of this By-law commits an offense.

Any person who contravenes any or all of the provisions of this By-law is guilty of an offence and, in addition to paying the costs for each infraction, is liable to a set fine of three hundred dollars (\$300) if the offender is a physical person, or a set fine of one thousand dollars (\$1,000) if the offender is a corporation or other legal entity.

In the event of a repeat offence committed within two years of a declaration of guilt for the same infraction, the offender, in addition to paying the costs for each infraction, is liable to a set fine of six hundred dollars (\$600) if the offender is a physical person, or a set fine of two thousand dollars (\$2,000) if the offender is a corporation or other legal entity.

If the infraction continues for more than one (1) day, it shall constitute a separate offence for each day during which it continues, and may be detailed in a single charge. Notwithstanding the preceding paragraphs, the Municipality may exercise any other remedies necessary to enforce the provisions of this By-law.

SECTION 20 - REVOCATION

This By-law revokes and replaces By-law N° 460-96 entitled "By-law concerning the emptying of septic tanks of single-family dwelling on the Municipality of Chelsea's territory" adopted December 18, 1996.


SECTION 21 – ENTRY INTO FORCE

This By-law will come into force according to Law.

GIVEN AT CHELSEA, QUEBEC, this 7th day of the month of May 2012.



Jean-Guy Bigeau
Director General/Secretary-Treasurer



Caryl Green
Mayor

NOTICE OF MOTION DATE:

April 2, 2012

ADOPTION DATE:

May 7, 2012

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113-12

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May 23, 2012