



DISTRICT OF LANGFORD BYLAW NO. 125

[CONSOLIDATED FOR CONVENIENCE TO 16 JULY 2007.
PLEASE NOTE THIS BYLAW IS NOT A LEGAL DOCUMENT]

A BYLAW TO PROVIDE FOR THE OPERATION AND MANAGEMENT OF A SANITARY SEWER UTILITY.

WHEREAS Council may by bylaw regulate the design and installation of drainage and sewerage works provided by persons other than the municipality; and require owners of real property to connect their buildings and structures to the appropriate sewer or drain connections in the manner prescribed in the bylaw, 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, pursuant to section 611 of the *Municipal Act*;

AND WHEREAS Council may by bylaw impose a connection charge and fix the terms of payment on owners of real property to defray the cost of laying connecting pipes from sewers to land on which buildings or structures are situate and from drains to land required to be drained; and 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, pursuant to section 612 of the *Municipal Act*;

NOW THEREFORE the Council of the District of Langford in open meeting assembled, enacts as follows:

PART 1 ESTABLISHMENT OF SANITARY SEWER SYSTEM

1.01 The District of Langford Sanitary Sewer System is hereby established.

PART 2 TABLE OF CONTENTS

2.01 This bylaw, for purposes of convenience only, is divided into the following parts:

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PART 3 TITLE

3.01 Short Title

- .1 This bylaw may be cited for all purposes as the “Sanitary Sewer Utility Bylaw No. 125, 1995.”

PART 4 INTERPRETATION

4.01 Definitions

In this bylaw, unless the context otherwise requires:

- .1 “Approving Officer” means the person holding the position of Approving Officer of the District or a duly authorized representative.
- .2 “Building Inspector” means the person or persons holding the position of Chief Building Inspector or Building Inspector of the District or their duly authorized representative.
- .3 “Sewage Disposal Regulations” means Appendix 1 to the Sewage Disposal Regulation, BC Reg. 411/85, enacted pursuant to the *Health Act*, R.S.B.C. 1979, c. 161.
- .4 “Council” means the Council of the District of Langford.
- .5 “District” means the District of Langford.
- .6 “Plumbing Fixture” means any toilet, wash basin, sink, bath tub, shower bath, urinal, drain or other plumbing apparatus on private property that connects to the sanitary sewer main via a private service pipe.
- .7 “Municipal Engineer” means the person holding the office of Director of Engineering and Development services or Municipal Engineer of the District or a duly authorized representative.
- .8 “Owner” in respect of real property means the registered owner of an estate in fee simple, and includes:
 - a. the tenant for life under a registered life estate;
 - b. the registered holder of the last registered agreement for sale and;
 - c. the holder or occupier of land held in the manner mentioned in sections 409 and 410 of the *Municipal Act*,
- .9 “Private service pipe” means the privately-owned underground pipe connecting a service pipe at or near the property line to a building.
- .10 “Sanitary waste” means waste from plumbing fixtures on residential and non-residential property.

- .11 “Sewer service pipe” means the pipe and fittings connecting a sanitary sewer main to a property within the District of Langford, at or near the property line. This may be a pressure pipe or a gravity pipe.
- .12 “Treasurer” means the person holding the office of Treasurer of the District or a duly authorized representative.

PART 5 INSTALLING SEWER SERVICE

5.01 Properties for Which Sewer Service Must Be Installed

BL 169
3Sep96

- .1 Where the actual or theoretical daily output of sanitary waste, as calculated from Sewage Disposal Regulations, exceeds 350 gallons per day from a property within a sewer specified area then the owner must install sewer service to that property. This shall not apply to any parcel on which only one single family residential dwelling is constructed or to a bare land strata lot on which only one single family residential dwelling is constructed or to any two family dwelling which has been subdivided under the provisions of the *Condominium Act*.

BL 169
3Sep96

- .2 Where a strata corporation within a sewer specified area owns a sewage disposal facility servicing three or more of the constituent strata units and the total actual or theoretical daily output of sanitary waste from all strata units connected to that facility, as calculated from Sewage Disposal Regulations, exceeds 350 gallons per day, then the strata corporation must install sewer service to that property.

- .3 Where an application for building permit has been submitted to the District and the construction contemplated by the permit application is in a sewer specified area and, in the opinion of the Building Inspector, likely to increase the actual or theoretical daily output of sanitary waste from the property, as calculated from Sewage Disposal Regulations, to more than 350 gallons per day for a property within a sewer specified area, then the owner must install sewer service to that property. This shall not apply to any parcel on which only one single family residential dwelling is constructed or to a strata lot on which only one single family residential dwelling is constructed and on which sanitary waste from that dwelling is disposed.

BL 185
7Apr96

- .4 Where a property is added to a sewer specified area or is in a sewer specified area created after December 31, 1996, the owner must install sewer service to that property.

BL 1066
16Jul07

- .5 In addition to any other requirement of this bylaw, the owner of every parcel abutting Florence Lake, Glen Lake and Langford Lake and abutting a highway or statutory right of way in which a sanitary sewer main is installed must, within one year of either receiving the letter of completion of construction of the sewer main or the final adoption of this bylaw whichever occurs later, connect any building or structure on the parcel from which sanitary sewage is generated to the sewer main by means of a private service pipe and a sewer service pipe, in the manner prescribed by this bylaw.

- .6 Notwithstanding section 5.01.5 above, City Engineer might consider deferring the mandatory hook up requirement if a Professional Engineer certifies that

- a) System (disposal field and treatment system) is
 - i) less than 5 years old if it utilizes the Type I treatment method pursuant the Sewerage System Regulation;

- ii) less than 10 years old if it utilizes the Type II or Type III treatment method pursuant the Sewerage System Regulation.
- b) The system services all habitable buildings on the property.
- c) The system has been inspected by the Professional Engineer and is certified to be functioning in accordance with the requirements of the Sewerage System Regulation.
- d) The lowest ground surface within the disposal field is located above an elevation of
 - i) 80.35m for Florence Lake, 68.00m for Langford Lake and 67.10m for Glen Lake if it utilizes the Type I treatment method pursuant the Sewerage System Regulation;
 - iii) 78.35m for Florence Lake, 66.00m for Langford Lake and 65.10m for Glen Lake if it utilizes the Type II or Type III treatment method pursuant the Sewerage System Regulation.
- e) The horizontal distance from disposal field to high water mark is
 - i) greater than 30m if it utilizes the Type I treatment method pursuant the Sewerage System Regulation;
 - ii) greater than 15m if it utilizes the Type II or Type III treatment method pursuant the Sewerage System Regulation.

Connection deferral shall be limited to 5 years of either the adoption of this bylaw or sale/transfer of the property whichever occurs first.

5.02 Properties for Which Sewer Service May Be Installed

- .1 The owner of any property within a sewer specified area may apply for installation of sewer service in the manner provided by this bylaw.

5.03 Applying to Install Sewer Service

- .1 Application to install sewer service must be made in writing to the Municipal Engineer and must include information setting out the proposed location of the sewer service pipe at the property line, the required elevation and size of the sewer service pipe and the property owner's postal address and telephone number and the application must be signed by the property owner or by a person legally empowered to sign on behalf of the owner.
- .2 Where a property is required to have sewer service installed by section 5.01.1 or 5.01.2 of this bylaw, the application must be made at least seven (7) days before construction of a public sewer within 30 metres of a boundary of the property is expected to begin or by the date set out in a Notice of Requirement to Install Sewer Service from the Municipal Engineer, whichever is the later.
- .3 Where a property is required to have sewer service installed by section 5.01.3 of this bylaw, the application must be made before the Building Inspector issues the building permit.
- .4 Where a property is required to have sewer service installed by section 5.01.4 of this bylaw, the application must be made within thirty (30) days of the property being

included in a sewer specified area.

5.04 Construction of Sewer Service Pipe

- .1 Where an application to install sewer service is made and a sewer service pipe to the property already exists, the applicant shall be required to use the existing pipe or to pay the District's costs for the removal of the existing pipe before the new pipe is constructed. Where, in the opinion of the Approving Officer, sufficient potential for subdivision of the property exists, multiple sewer service pipes may be permitted providing that each pipe serves a separate building and the required fee is paid for each one. Where, in the opinion of the Municipal Engineer, the sanitary waste arrangements of a building which existed before November 14, 1995 make it impractical, taking into account the value of the building, to service a building with a single connection, then the Municipal Engineer may permit additional services to a single building.
- .2 Where, in the opinion of the Municipal Engineer, an application to install sewer service requests the sewer service pipe at a location or elevation at the property line which it is impractical or uneconomic for the District to meet, the Municipal Engineer shall establish a new location and elevation at a boundary of the property and inform the applicant.
- .3 Where, in the opinion of the Building Inspector, an application to install sewer service requests a sewer service pipe, the diameter of which is less than that required by the BC Building Code, the Building Inspector shall increase the pipe size as required and inform the applicant.
- .4 Where an application to install a sewer service is made and approved, the Municipal Engineer shall arrange for the construction of the sewer service pipe within four (4) months of the receipt of the application or, where the sewer main is not in existence at the time of application, during the construction of the sewer.

5.05 Construction of the Private Service Pipe

- .1 Where an owner is required by section 5.01 of this bylaw to install sewer service, the owner shall construct the private sewer pipe:
 - a) where section 5.01.3 applies, before the Building Inspector issues an occupancy certificate for the construction referred to in that section;
 - b) where Section 5.01.5 applies, within one year of the date of the City Engineer's letter to the owner advising of the completion of construction of the sewer main or, in cases where a sanitary sewer main exists on the date of first reading of Sanitary Sewer Utility Amendment Bylaw No. 1066, 2007, within one year of that date; and
 - c) in other circumstances, within three (3) months of the completion of construction of the sewer service pipe or before the last day of July, 1998, whichever is later.
- .2 Construction of the private service pipe shall not begin until the Building Inspector has approved in writing an application as described in this part and the appropriate fee as set out in Bylaw No. 104 has been paid.

- .3 An application to construct a private service pipe shall be made as a plumbing permit application under Building and Plumbing Bylaw No. 104 and amendments, a bylaw for the administration and enforcement of the Building Code and Plumbing Code.
- .4 Construction of a private service pipe shall be in accordance with the BC Plumbing Code.
- .5 The construction of a private service pipe shall not start until authorized in writing by the Municipal Engineer.

5.06 Connection of the Private Service Pipe to the Sewer Service Pipe

- .1 The connection of a private service pipe and a sewer service pipe shall only be carried out with the approval in writing of the Building Inspector and after payment of the connection fee as set out in Bylaw No. 104.
- .2 Permission to connect to a public sewer shall not imply approval by the District of the development which it is intended to serve.
- .3 A permanent means of access to the pipe at the property boundary must be constructed in accordance with Bylaw No. 104.
- .4 When a building cannot be serviced by a gravity sanitary sewer system the Director of Engineering and Development Services may authorize the installation of a sewage pumping system in accordance with Bylaw No. 104.

BL 185
7Apr96

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7Apr96

5.07 All Plumbing Fixtures to Be Connected

- .1 Where sewer service is installed to any property, all plumbing fixtures on the property must be connected to the private service pipe in accordance with the BC Plumbing Code except that no fixture which carries or captures rain water or ground water may be connected without the express permission, in writing, of the Municipal Engineer.

5.08 Failure to Install Sewer Service

- .1 If any owner of a property which is required to have sewer service installed pursuant to this bylaw, shall fail or neglect to make application for the installation of sewer service or to construct the private service pipe or to connect to a public sewer in the manner and within the time prescribed by this bylaw, the Municipal Engineer may forthwith construct a sewer service pipe to the property and the District may serve on the owner a Notice stating that the said owner shall forthwith comply with all other provisions of this bylaw within sixty (60) days of the date of mailing of such notice. The failure of the owner to comply with the said Notice shall constitute an infraction of the bylaw and the District may enter upon the property of the said owner and cause the private service pipe to be constructed and the connection to be made to the public sanitary sewer and the costs thereby incurred by the District shall be charged against the owner of the property as follows: a certificate of the cost entailed in constructing the private service pipe and sewer service pipe and in making the required connections shall be prepared by the Municipal Engineer and filed with the Treasurer and the cost and interest at the rate prescribed under s.11(3) of the Taxation (Rural Area) Act may be recovered by the District in the same manner as municipal taxes.

5.09 Application to Sever Sanitary Sewer Service

- .1 Sanitary sewer service for a property may be severed upon application in writing by the owner in accordance with section 8.01 of this bylaw, together with payment of any outstanding charges under this bylaw to the date of application and the fee prescribed by Bylaw No. 104.
- .2 An owner wishing to demolish a building shall apply for severed sewer service and shall not commence demolition until severance has been accomplished.

PART 6 RESPONSIBILITY OF THE USERS

6.01 Use of Private Service Pipe

- .1 The private service pipe for a property shall be used solely for the purpose of transporting sanitary waste from the plumbing fixtures on that property to the sewer service pipe.
- .2 Sanitary waste from one property shall not be transported via the private service pipe of another property to a sewer service pipe.
- .3 Within thirty (30) days of the completion of a sewer connection to a property any existing septic tank on that property which is then unused shall be pumped out and removed or filled with sand or gravel to the satisfaction of the Municipal Engineer. The effluent pumped from the septic tank shall be disposed of in facility by the Capital Regional District for this purpose.

6.02 Maintenance of Private Service Pipe

- .1 Every owner shall maintain the private service pipe in proper order and free from leakage in accordance with the BC Plumbing Code. Should leakage occur, the Municipal Engineer may give notice to the owner to effect the necessary repairs or replacements within 96 hours or other period as may be specified in the notice.

6.03 Entry of Municipal Employees

- .1 Employees of the District may enter during reasonable hours on an owner's property in order to inspect, photograph or test any private service pipe upon such premises or anything connected or which ought to be connected thereto and to ascertain whether the regulations of this bylaw are being observed. Such employees shall, on request, show proper identification.
- .2 It is an offence under this bylaw to obstruct such inspections.

PART 7 MUNICIPAL RESPONSIBILITIES

7.01 Works on Private Property

- .1 The District shall not be responsible for the construction or maintenance of any sewerage works on private property.

7.02 Persons Permitted to Do Work on Public Property

- .1 No person, other than the District, its employees or its consultants or contractors shall construct or cause to be constructed any part of the sewer service pipe on any public highway or right of way or in any way, break, interfere or tamper with any sanitary sewer system of the District.

PART 8 FEES AND CHARGES

8.01 Sewer Service Pipe Charges

BL 708
18Nov02

- .1 Where a sanitary sewer service pipe has been provided to the property line in conjunction with a sewer specified area project and the property is in the sewer specified area, no fee is required for the sewer service pipe.

- .2 Where either a connection has been provided but the property is not in a sewer specified area, or the property is in a sewer specified area and no connection exists, the connection fee shall be \$900 for each 25mm of pipe diameter (or portion thereof) required to service the property. This fee shall include the installation of an inspection chamber.

BL 185
7Apr96

- .3 A duplex shall have separate connections for each unit. The connection fee shall be in accordance with 8.01.1 and 8.01.2 for each unit.

- .4 The sewer service pipe charge shall only be paid once for a property unless additional or replacement connections are requested by the property owner.

BL 185
7Apr96

- .5 The owner shall pay the sewer service pipe charge prior to the installation of the sewer service pipe where no connection exists, or prior to the issuance of a plumbing permit where a connection to the property line exists.

- .6 A property serviced by a well or alternative water source instead of or in addition to a Capital Regional District Water Department metered service and connected to the municipal sanitary sewer system shall have a meter installed at the source for that alternative water service in order for the actual sewer usage charge to be calculated. The meter shall be approved by the Municipal Engineer and shall be installed and maintained at the property owner's expense. The Municipal Engineer or his delegate shall have access to the meter at any time during business hours. The property owner shall be responsible for ensuring that the water meter accurately measures all of the water coming from the alternative source. Meters are not required for wells required for irrigation only.

- .7 The sanitary sewer usage fee for laundry facilities, bottling plants, amusement parks, hotels, motels, pubs and restaurants connected to municipal water shall be based on the average of the April 1st to June 30th and September 1st to November 30th water consumption.

BL 748
22Apr03

- .8 Where the sewer connection is requested by a property owner in accordance with sections 8.2, 8.3, 8.4, and 8.5, of this bylaw and the required connection is 6 inches (150mm) in diameter or less, the service connection shall be installed by the District of Langford for the fees set out in this bylaw. If the applicant wishes to install the service connection using his or her own forces, the fee is reduced to \$1,800 for each connection and the works must be performed in accordance with District of Langford Bylaws 500 and 33.

BL 461
1May00

8.02 Sewer Cleaning and Repair Charges

- .1 The charges set out in this s.8.02 shall apply whenever the District removes from a sanitary sewer or a sewer service pipe any accumulation of grease or other material discharged to the sewer in violation of any bylaw of the District or the Capital Regional District that in the opinion of the District's Engineer interferes with the normal and efficient operation of the sanitary sewer system, or repairs any damage willfully or maliciously done by any Owner to a sanitary sewer service pipe.
- .2 In the circumstances described in s.8.02.1, the Owner of the real property in respect of which the work was performed shall pay the District's actual costs of performing the work, within 30 days of receipt of the District's invoice.
- .3 An amount payable to the District under s.8.02.02 may be collected in the same manner and with the same remedies as ordinary taxes on land and improvements under the *Municipal Act* and, if due and payable by December 31st of any year and unpaid on that date, is deemed to be taxes in arrears."

PART 9 GENERAL

9.01 Tampering with the District's Facilities

- .1 No person shall tamper or interfere with the District's sanitary sewer collection system, nor shall any person, except as authorized by the Municipal Engineer, connect to any sewer service pipe, or other part of the District's sanitary sewer system.

PART 10 PENALTIES

10.01 Enforcement of Bylaw

- .1 Every person who offends against or violates any of the provisions of the bylaw, or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, shall upon summary conviction be subject to the fines listed in Schedule A of this bylaw.

PART 11 SEVERABILITY

11.01 Enforcement of Bylaw

- .1 The provisions of this bylaw are severable. If, for any reason, any provision is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this bylaw.

READ a first time this 6th day of November, 1995.

READ a second time this 6th day of November, 1995.

READ a third time this 6th day of November, 1995.

RECONSIDERED AND FINALLY ADOPTED this 20th day of November, 1995.

Mayor

Clerk-Administrator

Amending Bylaws:

#144 (adopted 15 April 1996);
#169 (adopted 3 September 1996);
#185 (adopted 7 April 1996);
#461 (adopted 1 May 2000);
#708 (adopted 18 November 2002);
#748 (adopted 22 April 2003); &
#1066 (adopted 16 July 2007)

Document Prepared: 28Sep07

Schedule A

Sanitary Waste Connection Fines

MAXIMUM FINES		
Offence Description	Section	Fine
Failure to obtain an application for connection	509	\$100
Failure to obtain an application for severance	510	\$100
Barring lawful admittance to District employees	603	\$100
Tampering with District facilities	901	\$500