

**PROVINCE OF QUÉBEC
DISTRICT OF PAPINEAU**

BY-LAW NO. 2015-02

RESPECTING THE EMPTYING OF SEPTIC AND HOLDING TANKS OF ISOLATED DWELLINGS WITHIN THE TERRITORY OF THE MUNICIPALITY OF MAYO

WHEREAS there is reason to repeal "By-law No. 2011-05 Respecting the Periodic Emptying of Septic and Holding Tanks Within the Territory of the Municipality of Mayo" and replace it with "By-law No. 2015-02 Respecting the Emptying of Septic and Holding Tanks of Isolated Dwellings Within the Territory of the Municipality of Mayo";

WHEREAS Section 86 of the *Environment Quality Act* (R.S.Q. c.Q-2) stipulates the responsibility of municipalities to carry out and have carried out regulations of the Government made under this Act;

WHEREAS article 88 of the *Regulation respecting waste water disposal systems for isolated dwellings* (R.R.Q., Q-2 r.22) requires municipalities to ensure compliance with the requirements set out in said regulation;

WHEREAS Section 25.1 of the *Municipal Powers Act* (R.S.Q., c. C-47.1) gives municipalities the power to ensure the periodic emptying of septic tanks and be compensated by the owners to pay for this service;

WHEREAS the Municipal Council wishes to preserve the quality of the environment in the municipalities and to this end, assure citizens of the proper maintenance and emptying of septic tanks;

WHEREAS the Municipal Council discussed this By-law at a working session held on October 20, 2015;

WHEREAS a Notice of Motion (AM 2015-07) of this By-law was given at a regular session of the Municipal Council, held on October 5, 2015;

IT IS THEREFORE PROPOSED, by Ian de Cotret-Brazeau

AND SECONDED, by Robert Bertrand

AND resolved that By-law 2015-02 be, and is hereby adopted, and as a result, Council orders and decrees what follows:

UNANIMOUSLY ADOPTED

SECTION 1 - PREAMBLE

The preamble is an integral part of this document.

SECTION 2

This By-law repeals and replaces By-law 2011-05.

SECTION 3 – 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 Mayo.

SECTION 4 – TERMINOLOGY

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

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.
Grey water:	Laundry, kitchen, and bathroom water, and water coming from any appliance other than a toilet.
Waste water:	Toilet effluents combined with grey water.
Contractor:	The successful bidder, its representatives, successors or assigns, as the contracting party with the Municipality of Mayo, and who is responsible for all emptying work on the territory of the Municipality.
Maintenance:	Routine recurring work or action required to keep a disposal system in such condition that it may be continuously utilized, in keeping with the expected performance of the treatment system.
Tank:	For the purpose of this By-law, the word <i>tank</i> refers to a septic tank or a holding tank.
Holding tank:	A watertight tank intended for storing toilet effluents or grey water before haulage.
Septic tank:	A watertight tank for receiving toilet effluents and grey water before evacuation to a soil absorption system.
Inspector:	Administering authority designated by the Municipality. Moreover, the term <i>inspector</i> as used in this By-law also refers to employees under the supervision of the latter.
Septic installation:	Standalone device for the evacuation, reception, or treatment of grey water or toilet effluents. The components of a septic installation include: <ul style="list-style-type: none">- The entrance pipe between the building and the septic or holding tank- The septic or holding tank- The entrance pipe between the septic tank and the tile field- Soil absorption system
Municipality:	The Municipality of Mayo
Obstruction:	Any material object, matter, 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, such as the owner, lessee, usufructuary, or possessor, who enjoys the use of a dwelling, in a continuous or non-continuous manner.
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;

Emptying period:	Period during which the Contractor is emptying the septic and holding tanks of isolated dwellings in the territory of the Municipality.
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 <i>Environment Quality Act</i> (R.S.Q. c. Q-2).
Emptying:	Operation of completely removing, from a septic or holding tank, all its contents, including liquids, scum, and solids, up to full capacity. If a <i>JugglerMC</i> type truck is used, the emptying is also the fact of returning to the septic tank, the supernatant filtered through the normal process of <i>JugglerMC</i> technology.

SECTION 5 – 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 Mayo.

SECTION 6 – LISTED BUILDINGS

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

SECTION 7 – EMPTYING FREQUENCY

All septic and holdings tanks found on the territory of the Municipality serving an isolated dwelling shall be emptied and inspected once every two (2) years for permanent dwellings bearing the code 1000 (home) on the Papineau RCM municipal assessment roll as at January 1 of the year in question, and every four (4) years for secondary dwellings bearing the code 1100 (cottages or holiday homes) on the Papineau RCM municipal assessment roll as at January 1 of the year in question, and this, as set out and defined in article 13 of the *Regulation respecting waste water disposal systems for isolated dwellings* (R.R.Q., Q-2, r. 22) and Papineau RCM's numerical property utilization list.

Also included in this By-law are mobile homes bearing codes 1211 and 1212 on the municipal assessment roll of Papineau RCM, and farms on which an isolated dwelling is located, bearing the code 8100 on the municipal assessment roll of Papineau RCM.

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

If, during the time interval between the two compulsory emptyings required under this By-law, the septic system of an isolated dwelling requires one or more emptyings, the owner must have it emptied at his/her own expense, by a contractor of his/her 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 regular emptying schedule begins April 15 and ends November 15 of each year.

SECTION 10 – SYSTEMATIC EMPTYING PERIOD

A notice is sent by the Contractor to the owner or occupant of an isolated dwelling informing him/her of the period during which the two (2) original covers of the septic or holding tank must be cleared. The systematic emptying period ends when the emptying is completed by the Contractor. The emptying notice is delivered to the owner or occupant of the isolated dwelling, and placed in the mailbox or in a visible location. No changes will be allowed to the schedule.

SECTION 11 – PREPARATORY WORK

Throughout the period during which the two (2) covers of the tank must be cleared within the meaning of Section 10 of this By-law, the owner or occupant must ensure:

That the road or land giving access to the property and all septic or holding tanks be accessible, unlocked, clean and cleared of any material, including vegetation, so that the service area to receive the Contractor's vehicle is located at a distance of less or equal to 40 meters from any opening of any septic or holding tank. In the event that the distance between the furthest tank opening and the service area is more than 40 metres, the owner or occupant must procure, at his/her own expense, all the services and equipment required to permit the emptying, despite said distance.

The emptying service area must be a minimum width of 4.2 meters and a minimum height clearance of 4.2 meters. A roadway suitable for vehicles can be used as a service area if it meets the above-mentioned standards defining width and 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 free space 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 traffic near the septic or holding tank. The occupant must clearly indicate the location of the opening of the septic or holding tank.

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 inform him/her of the presence of forbidden substances in the tank.

SECTION 13 – PUMPING STATION AND EFFLUENT FILTER STATION

Pumping stations and effluent filter stations are not emptied by the Contractor under this By-law or emptying program.

SECTION 14 – ACCESS

Owners or occupants of an isolated dwelling must allow access to the Contractor to proceed with the emptying of the septic installations between the hours of **7 a.m. and 7 p.m.**, Monday through Friday.

SECTION 15 – INSPECTION OF THE PREMISES

The Contractor is allowed to visit and examine any waste water treatment system of isolated dwellings (R.R.Q., Q-2, r. 22). 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 waste water treatment system to see if this By-law and the *Regulation respecting waste water disposal systems for isolated dwellings* (R.R.Q., Q-2, r. 22) are

being respected. The owner is required to allow entry and answer all questions put to him/her regarding his/her obligations to respect this By-law.

SECTION 16 –EMPTYING AND INSPECTION REPORT

The Contractor must prepare an inspection report after every emptying and inspection pursuant to Section 15 of this By-law. The report is written on an official form produced by the Municipality. A copy of the report will be remitted to the occupant of the premises if this individual is present, or a copy will be left on the premises or mailed to the owner or occupant after the tank has been emptied and the work inspected. The Contractor will also remit a copy to the Municipality.

SECTION 17 – DIFFICULT TO ACCESS SITE

The Contractor is responsible for inspecting and emptying septic and holding tanks on properties that are difficult to access such as sites with no roadways, sites located on an island, or those with access by means of non-compliant private roads. The Contractor must use the means it deems appropriate, in compliance with the related laws and regulations.

SECTION 18 – 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 waste water.

SECTION 19 – BY-LAW ENFORCEMENT

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

SECTION 20 – FEE

An annual fee is imposed through taxation for each septic and holding tank under this By-law. The fee will be determined when the annual tax rates are adopted.

SECTION 21 – INFRACTION

Any person who acts in contravention of this By-law, who assists another person to act in contravention of this By-law, or who encourages another person to act in contravention of this By-law, commits an offence. Any person who contravenes any or all of the provisions of this By-law is guilty of an offence, and is liable to a fine of a minimum of \$300 and a maximum of \$1,000. In the event of a repeat offence the amount of the minimum fine will be \$600, and the maximum fine will be \$2,000.

SECTION 22 – INTERPRETATIVE PROVISIONS

The single form is used in this By-law without discrimination and includes the plural form with a view to making the text less cumbersome.

SECTION 23 – ENTRY INTO FORCE

This By-law will come into force following implementation of the formalities specified in the law.

NOTION OF MOTION (AM 2015-07): **October 5, 2015**

ADOPTION (2015-11-142): **November 2, 2015**

PUBLIC NOTICE: **November 10, 2015**

Mayor

Executive Director and Secretary-
Treasurer