

ORIGINAL

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KAMLOOPS INDIAN BAND SANITARY SEWAGE SYSTEM BY-LAW NO. 1995-06

A By-law respecting the Sanitary Sewage System of the Kamloops Indian Band

WHEREAS, under the provisions of the *Indian Act* and in particular Section 83(1)(g) thereof, the Chief and Council of the Kamloops Indian Band enacts the following By-law for the purpose of establishing, maintaining and operating a sanitary sewage system;

AND WHEREAS the Kamloops Indian Band has already established such a sanitary sewage system.

AND WHEREAS it is deemed expedient to establish additional controls respecting the use of such system and to impose certain charges against owners of properties benefitting from such system.

NOW THEREFORE, the Chief and Council of the Kamloops Indian Band, in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as the Kamloops Indian Band "Sanitary Sewer By-law No. 1995-06".
2. Metric units are used for all measurements in this by-law.

DEFINITIONS

3. In this by-law, unless the context otherwise requires:
 - a. "Accessible" means having access thereto but which first requires removal of an access panel, door or similar obstruction.
 - b. "B.O.D." (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° Centigrade, expressed in milligrams per litre.
 - c. "Building Inspection Manager" means the person appointed as such from time to time by the Kamloops Indian Band and any person delegated to assist him in carrying out his duties under this by-law.
 - d. "Building sewer service" means that portion of pipe from the property line up to and including all portions of the sanitary sewage collection system within any given building.
 - e. "Band" means the Kamloops Indian Band
 - f. "Reserve" means all these lands, the title of which is vested in the Crown in the Right of Canada, which are or have been set aside for the use and benefit of the Kamloops Indian Band and which have not been unconditionally surrendered.
 - g. "Band Engineer" means the person appointed as such from time to time by the Kamloops Indian Band and any person delegated to assist him in

carrying out his duties under this by-law.

- h. **"Commercial"** means all buildings other than residential.
- i. **"Customer"** means the registered owner or occupier of the property.
- j. **"Family unit"** means an individual or 2 or more persons closely related by blood, marriage or adoption sharing one dwelling, or 3 or less unrelated persons sharing the same dwelling.
- k. **"Farm animal"** means a domesticated animal normally raised for food, milk, or as a beast of burden, and without limiting the generality of the foregoing, includes cattle, horses, swine, sheep, goats, mules, donkeys, asses, and oxen.
- l. **"Garbage"** means solid wastes from the preparation, cooking and dispensing of food or from the handling, storage and sale of produce.
- m. **"Industrial waste"** means liquid wastes from industrial processes or operations.
- n. **"Natural outlet"** means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- o. **"Person"** means any individual, firm, company, association, society, corporation, group or municipality.
- p. **"pH"** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per litre of solution and denotes alkalinity or acidity.
- q. **"Properly shredded garbage"** means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the Band sewer mains. In no case shall these particles be greater than 6 mm in any dimension.
- r. **"Readily accessible"** means direct access without the necessity of removing or moving away any panel, door or similar obstruction.
- s. **"Residential"** means all single family dwellings, duplexes, semi-detached or row housing.
- t. **"Sanitary sewer main"** means any sewer which carries sewage and to which storm, surface or ground waters are not intentionally admitted.
- u. **"Service connection"** means a pipe connecting a sanitary sewer main to a building sewer service at the property line of a parcel of land.
- v. **"Sewage or wastewater"** means a combination of the water carried wastes from residential and commercial buildings, together with such ground water, surface and storm waters as may be present.
- w. **"Sewage system"** means all facilities for collecting, pumping, treating and disposing of sewage.
- x. **"Sewage treatment plant"** means any arrangement of devices and structures used for treating sewage.
- y. **"Sewer"** means a pipe or conduit for carrying sewage.
- z. **"Standard methods"** means the methods and procedures set out in the latest edition of "Standard Methods for the Examination of Waste and

Wastewater" published by the American Public Health Association, American Waterworks Association and the Water Pollution Control Federation.

- za. **"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.**
4. **The Band shall continue to maintain, operate and extend its sanitary sewage system as required.**
5. **The operation of the said sanitary sewage system shall be under the direction of the Band Engineer.**

SEWER RATES

6. **A charge shall be and is hereby imposed upon the owners of real property situate both inside and outside the reserve limits of the Kamloops Indian Band for the use of the Band sewage system.**
7. **All rates, rents and tolls to be paid by customers for the use of the Band sewage system shall be those stated in Schedule "A" attached to and forming part of this by-law.**
8. a. **On-fourth of the annual rates set out in Schedules "A" to "E" of this by-law, shall be due and payable quarterly on or before the due dates of March 31, June 30, September 30 and December 31, in each and every year, provided that if any of these days fall on a Saturday or Sunday or statutory holiday, then the due date shall be the earliest day preceding March 31, June 30, September 30 and December 31, as the case may be, during which the Band offices are open for business.**
- b. **Current year rates paid in full on or before the due date shall qualify for a discount equal to ten percent (10%) of the current quarter amount due.**
- c. **Payments are applied to the oldest balance first. Any balance remaining unpaid by the due date will result in loss of the discount.**
9. a. **Non-receipt of a utility bill will not exempt the customer from payment for the service received. Payments not made on or before due dates will result in loss of the discount.**
- b. **Any customer paying rent, rate or toll for use of the Band sewage system shall be liable for same until they have given notice in writing to the Band Utilities Department of their desire to discontinue the use thereof. Any service supplied for a portion of a month shall be charged as if it were a full month.**
- c. **No person shall knowingly withhold information about the use of his premises that could affect utility rates or charges. It is the responsibility of the owner to notify the Utilities Department in writing when any charges or modifications are made to his premises that may affect his utility rates. Failure to provide the said notification will constitute a violation of this by-law. In addition, it shall be reasonable and lawful for the Band to bill and collect from the owner the appropriate rates, tolls and charges from the time the changes or modifications to his premises**

were found to have first existed.

- d. The Band Engineer is responsible for interpretation of the sanitary sewer rates schedule, and any person who feels that he has been unjustly charged or incorrectly billed for the service may appeal directly to the Band Engineer.

SEWER SERVICE CONNECTIONS

10. Application for service connection shall be made in writing on the form provided for that purpose, giving the legal description or address of the property to be served and all other information that may be required in order that the correct rates, rents or tolls can be applied.
11. Upon receipt of such application, and provided the Band's sanitary sewer mains are laid to within 20 m of the customer's property, the Band will tap the main and lay a service pipe to the nearest boundary of the applicant's property and for such connection the Band shall be entitled to demand and receive from the applicant, in advance, for a 100 mm diameter residential service, such fee as outlined in Schedule "B" attached to and forming part of this by-law.
12. Where application for service connection has been made in accordance with this by-law and it is found that no sanitary sewer mains are within 20 m, the applicant may have the option to:
 - a. at the discretion of the Band Engineer, pay in advance for such extra service connection which is required, the sum according to the Band's estimated cost;
 - b. accept a full return of monies paid at time of service application.
13. Charges for service connection shall be made according to the Band's estimated cost, when:
 - a. the size of residential service is larger than 100 mm in diameter, or,
 - b. regardless of size, the service is to be used for other than a single family residential purpose.
14. The Band shall in every case determine the location and size of service pipe to be used, having first given due consideration to any specific requests.
15. Where a specific size of service connection is requested, and where the Band's sewage system cannot readily handle such service, the applicant shall have the option of:
 - a. accepting the size of service connection as determined by the Band;
 - b. paying in advance the appropriate cost of upgrading the Band's sanitary sewer mains to meet the specific requests, according to the Band's estimated cost;
 - c. accepting a full return of monies paid at time of service application.
16. No person except the duly authorized agents of the Band shall uncover, make connection to, use, alter or disturb any sanitary sewer main without the permission of the Band Engineer.

17. All building sewer services shall be constructed and maintained by the customer at his or her expense, to the requirements of this by-law and those of the British Columbia Plumbing Code. Permit applications for such construction must be made to the Band Building Department on the appropriate form provided. Such application shall be supplemented by any plans, specifications or other information considered pertinent by the Band Building Department.
18. Maintenance of the service connection shall be the responsibility of the Band.
19. Any owner of property within the Band on which there is located a residential or commercial building and which abuts on any Band right-of-way or easement in which there is now or hereafter located a sanitary sewer main of the Band, is hereby required to be connected directly to the Band sanitary sewer at the owner's expense, in accordance with the British Columbia Plumbing Code and this by-law within thirty (30) days after notice from the Band Engineer to do so.

Should the owner fail to connect his premises to the Band's sewage system within the time specified, the Band Engineer may order the required connection to be made by Band workmen or others in accordance with this by-law. All costs resulting from the said connection shall become due and payable by the owner. If the costs are not paid within ninety (90) days, they shall be transferred to, and become part of the owner's utility charges.

20. When any sanitary sewer connection is abandoned, the customer or his authorized agent shall effectively block such connection at a location within 3m of the property line. Failure to do so within a reasonable time after such abandonment shall be construed as authorization for the Band to enter upon the property and so block such connection at the expense of the owner.

PRIVATE SEWAGE DISPOSAL

21. No person shall construct or maintain any septic tank, cesspool or other facility intended or used for the disposal of sewage without approval in writing from the Building Inspection Manager.
22. All customers using private sewage disposal systems shall operate and maintain such facilities in a sanitary manner at all times at their own expense.
23. At such time that Band sewage system becomes available to property serviced by a private sewage disposal system, the conditions of Section 20 of this by-law shall apply. Any septic tank, cesspool or similar facility shall then be abandoned and filled with sand or suitable material as approved by the Building Inspection Manager.
24. No provision contained in this by-law shall be construed to interfere with any additional requirements that may be required by the Provincial authorities.

USE OF THE SEWAGE SYSTEM

25. No person shall discharge into any natural outlet any sanitary sewage, industrial waste, or other polluted waters without first obtaining a permit to do so from the Band Engineer.
26. No person shall discharge or cause to be discharged any storm water, surface water, ground water or cooling water into the Band sewage system provided that the Band Engineer may upon application authorize such discharge where exceptional conditions may require so.

27. No person shall block, either wholly or in part of any portion of the Band sewage system by failure, omission or neglect to comply with the provisions of this by-law, and where such blockage occurs, the customer concerned shall, in addition to any penalty for infraction of this by-law, be liable to the Band for all costs of clearing such blockage and for any other costs which the Band may be held liable because of such blockage.
28. a. Grease, oil and sand interceptors shall be provided by the customer on private property for all garages, gasoline service stations, and vehicle or equipment washing establishments.
- b. Interceptors shall also be required for any commercial development when in the opinion of the Band Engineer excessive amounts of grease, oil, flammable liquids, sand or other undesirable substances are being discharged into the Band sewage works.
- c. All interceptors shall be of a type and capacity approved by the Band Engineer and shall be readily accessible for cleaning or inspection.
- d. The customer shall be responsible for continuous efficient operation at their expense of all interceptors.

EFFLUENT QUALITY

29. Without changing the generality of the foregoing statements, no person shall discharge or cause or permit to be discharged any of the following into any portion of the Band sewage system without obtaining a permit from the Band Engineer to do so:
- a. any sewage or industrial waste in a volume greater than 3000 m³ per month;
- b. any liquid or vapour having a temperature higher than 50° C;
- c. any flammable or explosive material;
- d. any garbage which is not properly shredded;
- e. any metal, plastic, wood or other solid or viscous substance capable of causing obstruction or interference with the proper operation of the Band sewage collection system or treatment process;
- f. any excrement from farm animals;
- g. any waste material from the processing of any animal or portions thereof;
- h. any noxious or malodorous gas or substance capable of creating a public nuisance;
- i. any sewage or industrial waste having a pH limit less than 6.0 or greater than 9.5;
- j. any sewage or industrial waste containing any of the following materials in excess of the indicated concentrations:

-B.O.D.₅

300 mg/L

-suspended solids	400 mg/L
-total sulphide expressed as H ₂	5 mg/L
-phenolic compounds	2 mg/L
-oil and grease	50 mg/L
-total cyanide expressed as HCN	0.2 mg/L
-total copper, expressed as Cu	1.0 mg/L
-total chromium, expressed as Cr	1.0 mg/L
-total nickel, expressed as Ni	1.0 mg/L
-total lead, expressed as Pb	1.0 mg/L
-total zinc, expressed as Zn	1.0 mg/L
-total cadmium, expressed as Cd	1.0 mg/L
-total phosphorus, expressed as P	8.0 mg/L

PERMIT APPLICATION

30. Any person who, under the provisions of this by-law is required to obtain a permit, shall make a request in writing to the Band Engineer and shall not discharge any effluent into the Band sewage system until written approval is received.
31. Each permit application shall contain the chemical and physical analysis information related to the quantity and rate of discharge and proposed pretreatment or any other detailed information the Band Engineer may require.
32. No person shall fail to obtain a permit, where required to do so under the provisions of this by-law.

CONDITIONS OF PERMIT

33. The Band Engineer has the authority to set or regulate at any time, any rates or conditions particular to each permit application.
34. When required by the Band Engineer, any person required to obtain a permit shall at his expense, install and maintain a control structure connected to allow observation, sampling and measurement of the sewage or wastewater, suitable to the Band Engineer. Such structure shall at all times be safe and accessible to authorized Band personnel.
35. Any measurements, tests or analyses of sewage or industrial waste which are required under provisions within this by-law shall be determined in accordance with standard methods. All samples for testing shall be taken from the control structure provided for that purpose or where no structure exists the nearest downstream manhole in the Band sewage works shall be deemed to be the control structure.
36. Any person making application for permit shall at his expense provide pretreatment facilities that may be necessary to make the sewage or industrial waste acceptable to the standards set out in this by-law. Where pretreatment facilities are provided they shall be maintained continuously in a satisfactory and effective manner by the applicant at no expense to the Band.
37. In cases where no pretreatment can be provided and with the approval of the Band Engineer, a special agreement can be made between the Band and the person concerned whereby industrial waste of an unusual strength or nature may be accepted by the Band for treatment subject to payment by the party concerned for such service.

AUTHORITIES

38. Any person duly authorized by the Band Engineer shall be permitted to enter upon all property for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this by-law. If such inspection discloses any failure to comply with the provisions of this by-law, the Band Engineer shall notify the customer to rectify the said failure and in case of non-compliance, the licence to operate or occupy the premises shall be cancelled until proper alterations have been made.

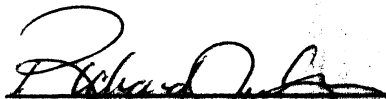
PENALTIES

- 39. a. Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law or who does any act which violates any of the provisions of this by-law, is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.
- b. Every person who commits an offence against this by-law is liable to a fine and penalty of not more than Two Thousand dollars (\$2,000.00) and not less than Twenty-Five Dollars (\$25.00) for each offence, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the Offence Act R.S.B.C. 1979, Chapter 305 and all amendments thereto.

READ A FIRST TIME the ___ day of _____ 1995
 READ A SECOND TIME the ___ day of _____, 1995
 READ A THIRD TIME the ___ day of _____ 1995
 RECONSIDERED AND ADOPTED the ___ day of _____, 1995

THIS BY-LAW IS HEREBY MADE A BY-LAW OF THE BAND at a duly convened meeting of the Council of the Band the ___ day of _____, 1994.

Chief Manny Jules



Councillor Rick Jules



Councillor Russell Casimir

Councillor Hank Gott



Councillor Jeff Seymour



Councillor Fred Camille

Councillor Jimmy Thomas



Councillor James Casimir



Councillor Clarence Jules

being the majority of those members of the Council of the Kamloops Band present at the aforesaid meeting of the Council.

SANITARY SEWER RATES

SCHEDULE "A" - USER RATES

<u>Description</u>	<u>Annual Charge</u>
For each family unit	\$135.00 per annum
For each rentable room in rooming or boarding homes	40.00 per annum
For each light commercial unit (using the same or less than a family)	135.00 per annum
For all other users on water meters (based on calculated flows)	0.355 per m ³

- The minimum charge for any customer is \$135.00 per annum.
- Where two or more users are made of a single property or building, multiples or combinations of the user rates will apply.

SANITARY SEWER RATES

SCHEDULE "B" - CONNECTION FEES

<u>Description</u>	<u>Annual Charge</u>
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For each 101.6 mm residential single family service installed between:

April 1st and October 31st inclusive	\$550.00
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November 1st and March 31st inclusive	625.00
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101.6 mm and larger, or other than a single family service connection will be charged a fee as estimated by the Band.

<u>Description</u>	<u>Annual Charge</u>
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For each 101.6 mm residential single family service installed between:

April 1st and October 31st inclusive	Will be set at the average previous year's cost for April 1 to October 31 as certified by the Financial Controller.
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November 1st and March 31st inclusive	Will be set at the average previous year's cost for November 1 to March 31 as certified by the Financial Controller.
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Restoration of:

▶ Curb	Will be set at the average previous year's cost for April 1 to October 31 as certified by the Financial Controller.
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▶ Gutter	Will be set at the average previous year's cost for April 1 to October 31 as certified by the Financial Controller.
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▶ Sidewalk	Will be set at the average previous year's cost for April 1 to October 31 as certified by the Financial Controller.
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