

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3479**

**A BYLAW TO REGULATE THE MAINTENANCE OF ONSITE SEWAGE SYSTEMS
IN THE CAPITAL REGIONAL DISTRICT**

WHEREAS:

- A. The Board has established a service to develop and implement a management program for onsite sewage systems under Bylaw 3478, cited as "Management of Onsite Sewage Systems Service Establishment Bylaw, 2007", for the purposes of maintaining, promoting or preserving public health or maintaining sanitary conditions;
- B. The Capital Regional District Core Area Liquid Waste Management Plan approved by the Minister of Environment contains a commitment by the Capital Regional District to develop and implement a regulatory management program for onsite sewage systems;
- C. By Section 14 of the Capital Regional District Regulation BC Reg. 65/90, the Capital Regional District has been granted the authority of a municipality under Section 8(3)(i) of the *Community Charter* to regulate, prohibit and impose requirements in relation to public health and has authority to regulate for the maintenance of sanitary conditions under Section 523 of the *Local Government Act*;
- D. The Capital Regional District wishes to regulate and impose requirements in relation to the use of onsite sewage systems within a portion of the Capital Regional District, for the purpose of preserving public health and maintaining sanitary conditions;

NOW THEREFORE, the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Application

This regulation applies to the maintenance of onsite sewage systems.

2. Definitions

A word or phrase defined in the Sewerage System Regulation, BC Reg. 326/2004 has the same meaning where used in this Bylaw.

- (a) "**Authorized person**" means a person who qualifies as a registered practitioner or professional under the Regulation.
- (b) "**Maintenance**" includes an onsite review of an Onsite Sewage System to determine that the system continues to function properly in a manner that does not cause or contribute to a health hazard.
- (c) "**Maintenance plan**" has the same meaning as in the regulation.
- (d) "**Maintenance records**" means a written record kept by the owner of all maintenance activities under Section 3.

- (e) **"Regulation"** means the Sewerage System Regulation, BC Reg. 326/2004.
- (f) **"Onsite Sewage System"** means a system for treating domestic sewage that is a Type 1 System, a Type 2 System or a Type 3 System.
- (g) **"Type 1 System"** means an onsite sewage system classified as Type 1 under the definition of 'treatment method' in the Regulation.
- (h) **"Type 2 System"** means an onsite sewage system classified as Type 2 under the definition of 'treatment method' in the Regulation.
- (i) **"Type 3 System"** means an onsite sewage system classified as Type 3 under the definition of 'treatment method' in the Regulation.

3. **Maintenance of Onsite Sewage Systems**

3.1 An owner must:

- (a) cause a Type 1 System on the owner's land to be pumped out on or before December 31, 2010; and
- (b) thereafter cause the Type 1 System to be pumped out every five years.

3.2 An owner must:

- (a) maintain a Type 2 System or Type 3 System according to the maintenance plan for the onsite sewage system; and
- (b) where a Type 2 System or Type 3 System is located on an owner's land, cause the onsite sewage system to be maintained by an authorized person at least once per calendar year.

3.3 An owner must:

- (a) retain records of all maintenance carried out on the onsite sewage system by the authorized person; and
- (b) provide copies of the maintenance records within three (3) days of a request by the Capital Regional District.

4. **Enforcement**

A bylaw enforcement officer is authorized at all reasonable times to enter onto any property for the purposes established by sections 268 and 314.1 of the *Local Government Act* and any other authority to enter property granted in the *Local Government Act*, the *Community Charter* or another Act in accordance with subsections 16(1) to (5) of the *Community Charter* or other conditions of entry if any, set out in the *Local Government Act*, the *Community Charter* or another Act.

5. Offence

A person who contravenes a provision of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding Two Thousand (\$2,000.00) Dollars.

6. Citation

This Bylaw may be cited for all purposes as "Onsite Sewage System Maintenance Bylaw, 2007".

READ A FIRST TIME THIS 14th day of November 2007

READ A SECOND TIME THIS 14th day of November 2007

READ A THIRD TIME THIS 14th day of November 2007

DEPOSITED WITH THE MINISTER OF HEALTH SERVICES THIS 18th day of March 2008

ADOPTED THIS 9th day of April 2008

Original signed by Denise Blackwell
Chair

Original signed by Carmen Thiel
Secretary