

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2801

A Bylaw to require owners of real property to connect their buildings and structures to the municipal sanitary sewer and storm drainage systems

WHEREAS it is deemed desirable and expedient that owners of real property be required to connect their buildings and structures to the Municipality's sanitary sewer system and storm drainage system;

NOW THEREFORE, the Council of The Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the "SEWER CONNECTION BYLAW, 2013, No. 2801."

Definitions

2. For the purposes of this Bylaw:

"connection" means the act of connecting a property's sanitary sewer system to the Municipality's sanitary sewer system or the property's storm drainage system to the Municipality's storm drainage system;

"Director of Engineering and Public Works" means the person appointed to the position of Director of Engineering and Public Works, and includes any person designated as an alternate;

"Municipality" means The Corporation of the Township of Esquimalt;

"sanitary sewer system" means a system for the collection and disposal of sewage; and

"storm drainage system" means a system for the collection and disposal of surface water runoff.

Requirement to Connect to Sanitary Sewer

3. Every property owner must ensure that all sewage originating from any building or structure located on the owner's property is connected to and discharged into the Municipality's sanitary sewer system, where the Municipality's sanitary sewer system is available for connection to the property, in a manner provided by this Bylaw, any other pertinent bylaw of the Municipality and the *British Columbia Plumbing Code*.
4.
 - (1) Any connection required under clause 3 shall be made within 180 days of receipt of written notice to do so from the Municipality.
 - (2) Notwithstanding clause 4(1), such connection shall be completed within three days of receipt of written or other reasonable notice given by the Vancouver Island Health Authority, if, in the opinion of the Vancouver Island Health Authority, a nuisance or health hazard exists as a result of any building or structure not being connected to the Municipality's sanitary sewer system.

Requirement to Connect to Storm Drainage

5. Every property owner must ensure that all surface water originating from the owner's property is contained entirely on that property and connected to and discharged into the Municipality's storm drainage system, where the Municipality's storm drainage system is available for connection to the property, in a manner provided by this Bylaw, any other pertinent bylaw of the Municipality and the *British Columbia Plumbing Code*.
6. Any connection required under clause 5 shall be made within one year of receipt of written notice to do so from the Municipality.

Notice

7. Any notice required to be given by the Municipality pursuant to any provisions of this Bylaw may be delivered by personal service to the owner or to the occupant of the property that appears to be at least 18 years of age, or sent by registered mail to the last known address of the owner, in which case the notice is deemed to have been received immediately upon delivery if personally delivered or 3 business days from the date of mailing, if sent by pre-paid registered mail. For the purposes of this clause 7, business day means a day other than a Saturday, Sunday or statutory holiday in the Province of British Columbia.

Connection Charges

8. Every property owner must pay the connection charges for making a connection to the sanitary sewer system or the storm drainage system, as the case may be, as set out in the *Building Code Bylaw, 2002, No. 2538*, as may be amended or replaced from time to time. The connection charges do not cover the cost of any works required to be done within the property for the purposes of making such a connection, which costs are the sole responsibility of the owner.

Municipal Action at Defaulter's Expense

9.
 - (1) If an owner fails to perform any work required by this Bylaw within the time specified, the Municipality may enter upon the property and cause the work to be performed at the owner's expense and recover the cost of doing so from the owner as a debt that is due and payable to the Municipality within 30 days of the Municipality performing the work. Any amounts payable by the owner, if unpaid on the thirty-first (31st) day of December in any year shall be added to and form part of the taxes payable in respect of the property and shall be deemed as taxes in arrears.
 - (2) Every owner of property shall at all reasonable times allow, suffer and permit the officers and employees of the Municipality and other persons authorized by the Director of Engineering and Public Works to enter on any property for the purpose of inspecting and enforcing this Bylaw and causing a connection to be made under 9(1).
 - (3) No person shall obstruct or interfere with any person engaged in the administration or enforcement of this Bylaw.

Offence

10. (1) Every person who contravenes any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or neglects to do or refrains from doing anything to be done by this Bylaw commits an offence and is liable to a fine of not more than \$2,000.00 per offence.
- (2) Where an offence is continuous, each day that the offence is continued shall constitute a separate offence.
- (3) This Act may be enforced by the issuing of a ticket for contravention in accordance with the Township of Esquimalt *Ticket Information Utilization Bylaw*, 2005, No. 2619, as may be amended or replaced from time to time.

Severability

11. If any portion of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, then the portion so held invalid shall be severed and not affect the validity of the remaining portions of this Bylaw.

Repeal

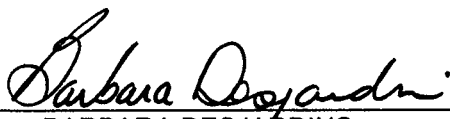
12. The Sewer Connection Bylaw, 1981, No. 1687 is hereby repealed.

Read a first time on the 6th day of May, 2013.

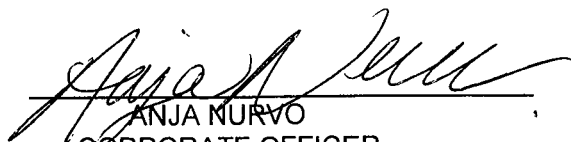
Read a second time on the 6th day of May, 2013.

Read a third time on the 6th day of May, 2013.

ADOPTED on the 27th day of May, 2013.



BARBARA DESJARDINS
MAYOR



ANJA NURVO
CORPORATE OFFICER

