

# RURAL MUNICIPALITY OF ST. ANDREWS

## BY-LAW NO. 4355

**BEING** a by-law of the Rural Municipality of St. Andrews to regulate the Licensing and Establishment of Fees for Septic Haulers.

**WHEREAS** Section 232(2) of *The Municipal Act*, provides as follows:

Without limiting the generality of Subsection (1), a Council may in a by-law passed under this Division;

(d) Establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality; and

(e) Subject to the regulations, provide for a system of licenses, permits or approvals, including any of the following:

(i) establishing fees and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulation;

(iv) providing that terms and conditions may be imposed on any license, permit or approval and providing for the nature of the terms and conditions and who may impose them;

**AND WHEREAS** the Rural Municipality of St. Andrews has a sewage lagoon;

**AND WHEREAS** the use of the Petersfield Sewage Lagoon will be made available to all residents of the municipality north of Calder Road;

**AND WHEREAS** such use and access by residents is made through septic haulers;

**AND WHEREAS** the Council of the Rural Municipality of St. Andrews deems it necessary and in the best interests of the municipality to establish license fees and other regulations for the use of the lagoon facilities by Septic Haulers;

**THEREFORE, BE IT RESOLVED** that the Council of the Rural Municipality of St. Andrews enacts as follows:

- (1) THAT this by-law shall be known as the "Septic Hauler" by-law;
- (2) THAT the municipality permit the dumping of sewage collected from residents north of Calder Road within the Rural Municipality of St. Andrews only, in the sewage lagoon.
- (3) THAT all septic haulers planning to discharge sewage into the lagoon and collect from residents of the municipality shall register such intent at the office of the municipality. Each septic hauling company must have a valid business licence for the Rural Municipality of St. Andrews. A refundable deposit of \$250.00 per key is required upon registration to receive access to the lagoon. A charge of \$200 will apply to replace any lost keys.
- (4) THAT each septic hauler registered with the municipality shall be charged on a per load basis of \$15.00/per load for a single axel truck and \$30.00/per load for a tandem axel truck, to be billed monthly. Each bill shall be due and payable within 30 days from the date of billing. If the current bill is not paid within 30 days from the date of billing, the municipality may revoke all rights and privileges in respect of the person(s) in default of payment.

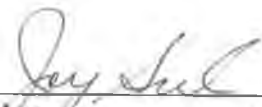
- (5) THAT all fees collected shall be transferred to the Lagoon Reserve Fund on an annual basis.
- (6) THAT each septic hauler must submit a monthly report to the municipality indicating the amount, type and location of pick-up of sewage discharged into the lagoon. Failure to submit these reports may result in the municipality revoking all rights and privileges to the person(s) in violation of this section.
- (7) THAT only one truck at a time is allowed in the lagoon area. Each hauler must use their own key to unlock and re-lock the gate.
- (8) THAT the By-Law Officer or Alternate shall be empowered to inspect all sewage and records of a Septic Hauler. If a Septic Hauler is found to be in violation of this by-law, the By-Law Officer or Alternate shall have full authority to revoke all rights and privileges of such person(s) being in violation and the violator(s) shall immediately surrender their access key for the lagoon to the officer. A violation under this by-law, either through no-payment or contravention of the by-laws may be subject to a fine per violation to be paid before privileges are reinstated. Privileges may be permanently revoked at the discretion of Council due to the severity of the violation or repeat violations.
- (9) THAT notwithstanding any other remedies available to the Rural Municipality under this by-law, any person who contravenes or disobeys, or refuses or neglects to obey any provision of this by-law is guilty of an offence and is liable to a fine not exceeding One Thousand Dollars (\$1,000.00).
- (10) THAT where contravention, refusal, neglect, omission, or failure as above continues for more than one day, the person involved shall be guilty of a separate offence for each day such act continues.
- (11) THAT every provision of this by-law is independent from all other provisions. If any provision of this by-law is declared invalid for any reason by a Court having jurisdiction, that provision shall be severed from this by-law and all other provisions of this by-law shall remain valid and enforceable.


**THEREFORE, BE IT RESOLVED** that the Rural Municipality of St. Andrews By-Law No. 4266 is hereby rescinded.

**AND THEREFORE, BE IT RESOLVED** that this By-Law will come into effect on April 14, 2021.

**DONE AND PASSED** by the Council of the Rural Municipality of St. Andrews duly assembled in the Municipality of St. Andrews, in the Province of Manitoba, this 13<sup>th</sup> day of April, A.D., 2021.

THE RURAL MUNICIPALITY OF ST. ANDREWS

  
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Mayor

  
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Chief Administrative Officer

RECEIVED First Reading on this 23<sup>rd</sup> day of March, A.D., 2021.  
RECEIVED Second Reading on this 13<sup>th</sup> day of April, A.D., 2021.  
RECEIVED Third Reading on this 13<sup>th</sup> day of April, A.D., 2021.