

SUMMARY:

The Holding Tank bylaw provides regulations for the installation of domestic sewage holding tanks within the city. Provisions are made for permit requirements, tank design and installation, disposal of the sewage and the conditions under which a holding tank may be allowed.

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CITY OF KELOWNA

BYLAW NO. 7527

REVISED: September 13th, 1994

A Bylaw to Control and Regulate the Installation of Holding Tanks for the Disposal of Domestic Sewage within the City of Kelowna

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. TITLE

1.1 This Bylaw may be cited for all purposes as 'Holding Tank Bylaw No. 7527'.

2. DEFINITIONS

In this Bylaw unless the context otherwise requires:

'Agent' means a person representing the owner by written consent;

'Building Inspector' means the Inspection Services Manager or those positions designated by Council under Section 1.1 of the Municipal Act;

'Council' means the Council of the City of Kelowna;

'Domestic Sewage' means human excretion or the water carried wastes from drinking, culinary purposes, ablutions, laundering, food processing or ice producing;

'Holding Tank' means a tank capable of holding domestic sewage discharging from a building in lieu of an approved in-ground sewage disposal system;

'City' means the City of Kelowna;

'Owner' means the registered owner of an estate in fee simple, and includes:

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of the last registered agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in Sections 409 and 410 of the Municipal Act;
- (d) an Indian who is an owner under the letters patent of a municipality, incorporated under Section 10 of the Municipal Act.
- (e) a lessee with authority to build on land;
- (f) an occupier, tenant, or holder of an interest in respect of the surface of water;
and
- (g) an agent;

'Person' means a natural person, his heirs, executors, administrators, or assigns, a firm, corporation, municipal or quasi-municipal corporation, society or party, school board, hospital board, or other government or government agency.

3. PROHIBITIONS

- 3.1 No person shall commence or continue any work related to the installation of a holding tank unless he/she has a valid and subsisting permit issued by the Building Inspector.
- 3.2 No person shall occupy or use any building or part thereof where a holding tank has been installed contrary to the terms of any permit, notice or certificate given by the Building Inspector.
- 3.3 No person shall reverse, alter, deface, cover, remove, or in any way tamper with any notice or certificate posted upon or affixed to any building or holding tank pursuant to any provisions of this Bylaw, unless authorized by the Building Inspector.
- 3.4 No person shall do any work that is at variance with the description, plans and specifications for the holding tank for which a permit has been issued, unless such change has been approved by the Building Inspector.
- 3.5 No person shall interfere with or obstruct the entry of the Building Inspector acting in the conduct of administration and enforcement of this Bylaw.

4. ADMINISTRATION OF BYLAW

- 4.1 The Building Inspector shall:
 - .1 administer this Bylaw;
 - .2 keep records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of this Bylaw.
- 4.2 The Building Inspector may:
 - .1 enter any property at any reasonable time for the purpose of administering or enforcing this Bylaw;
 - .2 revoke or refuse to issue a permit where the results of tests or materials, devices, construction methods, or structural assemblies are not satisfactory in the opinion of the Building Inspector;
 - .3 order the correction of any work which is being or has been improperly done under the permit; and
 - .4 order the cessation of work that is proceeding in contravention of this Bylaw.

5. PERMITS

- 5.1 The Building Inspector shall issue a permit upon application if:
 - .1 the proposed work set out in the application conforms with this and all other applicable Bylaws;

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- .2 the owner has paid the fee of \$250.00;
- .3 the owner has provided the City with a written commitment that the discharge of domestic sewage from the dwelling will cease and the premises vacated if lawful disposal of sewage cannot be demonstrated at all times;
- .4 the owner has provided the City with a copy of a valid pump and haul contract with a licensed septic service company; and
- .5 the owner has registered a covenant against the lands pursuant to Section 215 of the Land Title Act, stating that:
 - i) it is recognized that the property is serviced by a holding tank in lieu of an approved in-ground sewage disposal system;
 - ii) the dwelling shall be occupied on a discontinuous basis for a maximum of 120 days per year;
 - iii) the covenant shall run with and bind the lands.

5.2 Every permit under this Bylaw is issued on the condition that:

- .1 the work is to be started within six (6) months from the date of permit issuance; and
- .2 the work is not to be discontinued or suspended for a period of time more than one (1) year.

5.3 Applications for permits for holding tanks shall:

- .1 be made in the form prescribed by the Building Inspector; and
- .2 be signed by the owner or his agent.

6. HOLDING TANK DESIGN AND INSTALLATION

6.1 The design of the holding tank shall be approved by the Building Inspector and shall conform to the following:

- .1 Holding tanks shall be constructed of concrete and be of a water tight construction.
- .2 Holding tanks shall have a minimum volume of 10,000 litres, such capacity may be obtained by the use of one or more tanks. If more than one tank is used, such tanks to be interconnected with a 10 cm pipe from the top portion of the tanks and the required approved signal device shall be installed in the last tank.
- .3 Each tank shall be provided with a pump-out stand pipe of a diameter not less than 15 cm, such pipe to extend a minimum of 30 cm above the surface of the ground and each stand pipe shall be provided with a service cap to prevent the entry of any foreign material. The pump-out pipe shall be located where it will be readily accessible for pumping out and shall extend into the deepest portion of the tank with the bottom end cut at a 45 degree angle to ensure no blockage. Such location to be approved by the Building Inspector.

- .4 Each tank shall have a vent installed located:
 - i) 1 m above or at least 3.5 m in any other direction from every air inlet, openable window or door; and
 - ii) at least 2 m above ground or above the lowest plumbing fixture whichever is the highest and at least 1.8 m from every property line except property line adjacent to a street.
- .5 Holding tanks shall be equipped with an approved automatic signal to indicate that the tank is 75% full and again when it is 90% full.

- 6.2 Holding tanks shall only be permitted on existing parcels of land created prior to the effective date of this Bylaw.
- 6.3 Holding tanks shall only be permitted on land where conditions are such as to prevent the installation of an approved in-ground sewage disposal system.
- 6.4 Holding tanks shall only be permitted for a single-family dwelling occupied on a discontinuous basis for a maximum of 120 days a year.

7. DISPOSAL OF HOLDING TANK DOMESTIC SEWAGE

- 7.1 Domestic sewage from holding tanks shall be disposed of only in an area so designated by the City.
- 7.2 Every operator of a pump-out tank shall, within seven (7) days after pumping out a holding tank, file with the Building Inspector a signed record on a form provided by the City showing:
 - .1 the street address of the property on which said pump-out took place;
 - .2 the date the holding tanks were pumped out; and
 - .3 the total volume of sewage pumped out of the holding tank.

8. FAILURE TO PUMP OUT HOLDING TANK

- 8.1 If any owner fails to have the holding tanks situated on his property pumped out upon written request of the Building Inspector, the City shall have the right to have the tank pumped out at the owner's expense. Any charges, if unpaid at December 31 in any year, shall be charged to the taxes of the property January 1 as arrears of taxes.

9. PENALTY

- 9.1 Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw shall be deemed to be guilty of an infraction hereof and liable to the penalties hereby imposed.

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- 9.2 Every person guilty of an offence against this Bylaw shall be liable under summary conviction, to a penalty not to exceed Two Thousand Dollars (\$2,000.00) for each offence in addition to the costs of prosecution.

Read a first, second, and third time by the Municipal Council this 30th day of August, 1994.

Reconsidered, finally passed and adopted by the Municipal Council this 13th day of September, 1994.

"H. Markgraf"

Acting-Mayor

"D.L. Shipclark"

City Clerk