

WESTBANK FIRST NATION
SANITARY SEWER SYSTEMS LAW NO. 2005-18

WHEREAS Council of Westbank First Nation deems it advisable and in the best interests of Westbank First Nation to enact a law concerning the operation and use of sanitary sewer systems within Westbank Lands;

NOW THEREFORE Council of Westbank First Nation repeals Sanitary Sewer Systems Bylaw No. 1992-04 and enacts the following law:

1. TITLE

1.1 This Law may be cited as the "*WFN Sanitary Sewer Systems Law No. 2005-18.*"

2. DEFINITIONS

2.1 In this Law, unless the context otherwise requires:

"**BC Plumbing Code**" means Part 7 of the British Columbia *Building Code* established under section 692 of the *Local Government Act* by BC Reg. 295/98, and all amendments made thereto, from time to time;

"**B.O.D.**" or "**biochemical oxygen demand**" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at 20 degrees Celsius, expressed in milligrams per litre as determined by the appropriate procedure in "Standard Methods";

"**building sewer**" means a pipe that is connected to a building drain 1 meter outside a wall of a building and that leads to a public sewer or private sewage disposal system;

"**C.O.D.**" or "**chemical oxygen demand**" means the measure of the oxygen consuming capacity of inorganic and organic matter present in domestic or industrial wastewater as determined by the appropriate procedure described in "Standard Methods";

"**cooling water**" means untreated water originating from heat exchangers or similar type units;

"**Council**" means the governing body of Westbank elected pursuant to the *Westbank First Nation Constitution*;

"**domestic wastewater**" means the wastewater resulting from normal human living processes and not from commercial or industrial activities;

"**effluent**" means the liquid outflow of any facility designed to treat or convey wastewater;

"**extraneous flows**" means water originating from rainwater, snow melt, ground water, roof drain water, foundation drain water, subsurface drainage, surface water, single pass cooling water, condensate, or storm water;

“flammable liquid” means any liquid having a flash point below 38 degrees Celsius and having a vapor pressure not exceeding 280 kPa at 38 degrees Celsius;

“garbage” means solid wastes from the domestic and commercial preparation, cooking, and disposing of food, and from the handling, storage and sale of produce;

“grab sample” means a single sample of a wastewater stream or discharge that represents the composition of the wastewater at the particular time and location at which the sample was collected;

“grease” means an organic substance recoverable by procedures set forth in “Standard Methods” and includes but is not limited to hydrocarbons, esters, fats, oils, waxes and high molecular carboxylic acids;

“industrial wastewater” means all water carried wastes and wastewater excluding domestic wastewater and uncontaminated water, and includes all wastewater from any processing, institutional, commercial, or other operation where the wastewater discharged includes wastes of non-human origin;

“Manager” means the head of WFN Engineering, Planning and Public Works Department, or any delegate;

“occupant” or **“occupier”** means a person who is legally entitled to occupy or simply occupies a parcel of land, building, dwelling or premises within Westbank Lands;

“offal” means waste portions of food, animals, fowl or fish;

“one day composite sample” means a composite sample comprised of flow proportioned samples collected at one hour intervals over the duration of one operating day;

“parcel of land” or **“parcel”** means any lot, block, manufactured home pad or other area in which real property within Westbank Lands is held or into which real property within Westbank Lands is subdivided and the improvements affixed to it;

“person” in addition to its ordinary meaning, includes any association, household, society, corporation, partnership or party, whether acting by themselves or by a servant, agent or employee, and the successors, assigns and personal or other legal representatives of such person to whom the context can apply according to law;

“pesticide” means an organism or material that is represented, sold, used, or intended to be used, to prevent, destroy, repel, or mitigate a pest and includes:

- (a) a plant growth regulator, plant defoliator, or plant desiccant; and
- (b) a control product, other than a device that is a control product under the federal *Pest Control Products Act* (Canada);

“pH” means the negative logarithm to the base 10 of the weight of hydrogen ions in grams per litre of solution;

“pre-treatment” means the use of any physical and/or chemical process to ensure the composition of the effluent conforms to the minimum requirements of this Law;

“RDCO” means the Regional District of Central Okanagan;

“registered holder” means a person who is registered in the Westbank Lands Register as the holder of an interest in Westbank Lands and, where applicable, includes the occupant;

“sanitary sewer system” means all sewerage works and all appurtenances thereto, including sewer mains, service connections, pumping stations, treatment plants, lagoons and sewer outfalls laid within any highways, right-of-way or easement owned and operated by Westbank and installed for the purpose of conveying, treating and disposing of Westbank domestic wastes and industrial wastes;

“septic tank” means any device or structure designed for the temporary storage of wastewater;

“service connection” means a pipe connecting a sewer to a building sewer or to land on which buildings or structures are situated;

“sewer” means a pipe, including manholes and other appurtenances other than a service connection, in the sewer system;

“Sewer Services Agreement” means the agreement between Westbank and RDCO dated for reference September 25, 1992, as amended, extended or substituted from time to time;

“sewer treatment plant” means any arrangement of devices and structures used for treating wastewater;

“Special Waste” means a substance that is defined as Special Waste as interpreted by the *Waste Management Act*;

“Standard Methods” means the Standard Methods of Water and Wastewater Analysis (most current edition), as published by the American Public Works Association, the American Water Works Association, the Canadian Standards Association and the Water Pollution Control Federation;

“suspended soils” means the solid matter according to particle size, expressed in milligrams per litre, in a liquid as determined according to Standard Methods;

“two hour composite sample” means a composite sample consisting of equal portions of 8 Grab Samples collected at 15 minute intervals;

“uncontaminated wastewater” means water such as spent cooling water, water discharged from a swimming pool, and water used in street cleaning;

“**wastewater**” means the water-borne wastes of the community derived from human or industrial sources including domestic wastewater and industrial wastewater, but does not include rainwater, storm water, groundwater, or drainage of uncontaminated water;

“**wastewater drainage system**” means an assembly of pipes, fittings, fixtures, traps and appurtenances, not owned by Westbank, that is used to convey wastewater to a service connection;

“**watercourse**” means:

- (a) the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water; or
- (b) a channel, ditch, reservoir or other man-made surface feature;

“**WFN Administration Fee**” means an administration fee equal to a minimum of 10%, or such greater percentage amount as may be established by Council from time to time, of any amounts payable by Westbank to RDCO pursuant to the Sewer Services Agreement;

“**Westbank**” or “**WFN**” means the Westbank First Nation as defined in the *Westbank First Nation Constitution*;

“**Westbank Lands**” means:

- (a) the following Westbank Indian Reserves:
 - (i) Mission Creek Indian Reserve No. 8
 - (ii) Tsinstikeptum Indian Reserve No. 9
 - (iii) Tsinstikeptum Indian Reserve No.10
 - (iv) Medicine Hill Indian Reserve No. 11
 - (v) Medicine Creek Indian Reserve No. 12; and
- (b) lands set apart by Her Majesty the Queen in right of Canada in the future as lands reserved for the use and benefit of Westbank, within the meaning of subsection 91(24) of the *Constitution Act, 1867*.

2.2 Unless otherwise provided in this Law, words and expressions used in this Law have the same meaning as in the *Westbank First Nation Constitution*.

2.3 The standards contained in or made pursuant to the *BC Plumbing Code*, as amended from time to time, and the standards made by AWWA, as amended from time to time, governing the design, construction and maintenance of sanitary sewer systems, apply to the design, construction and maintenance of sanitary sewer systems within Westbank Lands.

3. GENERAL REQUIREMENTS

Compliance with Law

3.1 No person shall:

- (a) connect a wastewater drainage system to the sanitary sewer system; or
- (b) permit any direct or indirect discharge of any wastewater into the sanitary sewer system;

except in accordance with this Law.

Registered Holder's Liability

- 3.2 The registered holder must ensure that the terms and conditions, under which connection to the sanitary sewer system is provided, are not breached. The registered holder will be liable:
- (a) to pay all cost, rates, charges, user fees, and penalties that may be imposed pursuant to this Law; and
 - (b) for any breach of this Law arising on the parcel to which sanitary sewer service is provided, whether the breach is actually committed by the registered holder or by a third party having access to the parcel.

Other Requirements

- 3.3 No person shall enter into work upon the sanitary sewer system without meeting the applicable confined space entry, street regulations, or other safety requirements, required by the *Workers' Compensation Act*.

Interference with the Sanitary Sewer System

- 3.4 The sanitary sewer system, its operation, maintenance, repair, and replacement is under the direction and control of the Manager. No person other than the Manager, a WFN employee acting in the course of his duties or a contractor authorized by the Manager will:
- (a) enter into or work upon the sanitary sewer system;
 - (b) make or terminate a service connection to the sanitary sewer system;
 - (c) uncover or tamper with the sanitary sewer system; or
 - (d) attach or detach any line, pipe or other appurtenance to the sanitary sewer system.

Accidental Discharges

- 3.5 Any person responsible for, or aware of, the accidental discharge of prohibited substances into the sanitary sewer system must report the same forthwith to the Manager in order that the necessary precautions can be taken to minimize the deleterious effects of the discharge.

Approval to Connect

- 3.6 Approval of an application to connect to the sanitary sewer system will not be granted until:
- (a) an RDCO *Request for Sanitary Sewer Connection* form is completed by the Manager and submitted to RDCO and such other persons or agencies as the Manager determines to be appropriate;
 - (b) the RDCO *Request for Sanitary Sewer Connection* form is approved by RDCO;
 - (c) the registered holder has paid all applicable fees and charges associated with the connection, including but not limited to any application fees, sewer connection fees, development cost charges, latecomer charges, WFN Administration Fees, inspection fees and any other fees or charges payable by Westbank to RDCO in respect of the connection, as follows:
 - (i) except for the development cost charges, the amounts in paragraph (c) will be paid prior to the connection being made to the sanitary sewer system, or at such earlier time as may be specified by the Manager in the approval of the application for connection;
 - (ii) the development cost charges will be paid prior to the connection being made to the sanitary sewer system, or at such earlier time as may be specified in:
 - (1) the approval of the application for connection;
 - (2) the *WFN Subdivision, Development & Servicing Law*; or
 - (3) the *WFN Building Law*;
 - (d) the registered holder complies with the provisions of this Law.

Connection Requirement

- 3.7 The registered holder of every parcel, which is located within a portion of Westbank Lands upon which wastewater is being generated and where:
- (a) a service connection has been provided to service the parcel;
 - (b) a sanitary sewer trunk main fronts any portion of the parcel; or
 - (c) the registered holder is required, pursuant to Westbank Law, to extend a sanitary sewer trunk main in order to service the parcel;
- must construct a wastewater drainage system to collect all wastewater generated on the parcel and connect the wastewater drainage system to the sanitary sewer system.

- 3.8 All costs pertaining to the connection of the wastewater drainage system to the sanitary sewer system must be at the expense of the registered holder.
- 3.9 The Manager may, by written notification, order a registered holder to make connection to the sanitary sewer system within sixty (60) days, or such longer period as may be specified in the notification. In the event the registered holder fails to make the required connection within the time specified in the notification, the Manager may order the required connection to be made and all costs incurred will be recovered pursuant to section 3.10 of this Law.

Recovery of Costs

- 3.10 Any costs incurred as a result of any remedial action taken by Westbank pursuant to this Law will:
- (a) be at the expense of the registered holder and if the registered holder does not pay the cost on or before December 31st in the year that the action was taken, the cost for so doing may be added to the current year's property taxes; and
 - (b) be in addition to and not in substitution for any fine or other penalty to which the registered holder may be subject pursuant to the provisions of this Law.

Non-Compliance

- 3.11 If any person contravenes the provisions of this Law, and such contravention causes or may cause damage to the sanitary sewer system, Westbank may make any repairs and take whatever remedial action necessary to limit the extent of the damage and will recover the cost pursuant to section 3.10 of this Law.
- 3.12 If testing indicates that the components of the wastewater are not in compliance with the provisions of this Law, the Manager must notify the registered holder, in writing, to cease and desist the discharge of wastewater. The cease and desist order will remain in effect until such time as:
- (a) the registered holder complies with section 3.30 of this Law; and
 - (b) the Manager notifies the registered holder, in writing, indicating that the registered holder has complied with section 3.30 of this Law and authorizing the registered holder to resume the discharge of wastewater.

Interruption of Service

- 3.13 Sewer service may be limited, interrupted, terminated or refused:
- (a) in circumstances where the discharge of wastewater may interfere with works being undertaken on the sanitary sewer system; or
 - (b) where a person contravenes the provisions of this Law.

- 3.14 Except in the case of an emergency, reasonable efforts will be made to notify the registered holder of the affected parcel if sewer services are going to be limited, interrupted, terminated or refused.

Service Connections

- 3.15 Each parcel will be limited to one service connection except:
- (a) each residential unit on a parcel with a *MFM* or *MFH* land use designation must have a separate service; and
 - (b) where limitations in site servicing, development restrictions, future subdivision or proposed stratification exist, the registered holder may make application for additional service connections. Additional service connections and their location must be approved by the Manager.
- 3.16 All service connections must be installed, repaired, replaced and maintained by Westbank.
- 3.17 Any costs incurred as a result of Westbank taking action to unplug or unblock a service connection will be recovered pursuant to section 3.10 of this Law.

Sanitary Sewer System Extensions

- 3.18 All sanitary sewer system extensions required in order to provide sewer service to a parcel must be constructed and installed by Westbank.

Wastewater Drainage System

- 3.19 Every wastewater drainage system must be constructed at the expense of the registered holder in accordance with the standards contained in the *WFN Subdivision, Development and Servicing Law*, the *BC Plumbing Code* and the *WFN Building Bylaw*. It is the responsibility of the registered holder to ensure that the wastewater drainage system is installed such that it meets the elevation of the service connection. Westbank is not obligated to meet the elevation of, nor connect to, any wastewater drainage system installed prior to the installation of the service connection.
- 3.20 The repair and maintenance of the wastewater drainage system will be the responsibility and the expense of the registered holder. Should the Manager determine that extraneous flows or deleterious substances are entering the sanitary sewer system due to unauthorized connection, improper maintenance, or improper repair of a wastewater drainage system, the Manager may issue a cease and desist order to the registered holder.
- 3.21 Where a wastewater drainage system is to be abandoned, the registered holder must notify the Manager. Westbank will block, seal or physically disconnect the service connection, and the costs of such work will be recovered pursuant to section 3.10 of this Law.

Water Meters

3.22 Where a registered holder of a parcel designated commercial, industrial, institutional, multi-family or single family applies for a building permit to either:

- (a) construct a new building; or
- (b) alter the existing building footprint; or
- (c) change the existing occupant use; or
- (d) connect to the sanitary sewer system,

the registered holder is required to install a remote reading water meter and irrigation credit meter prior to issuance of occupancy permit, and the type of meter and installation requirements must be pursuant to the standards of the local water purveyor and the Manager.

Inspection Chambers and Manholes

3.23 All domestic wastewater must pass through an inspection chamber and all industrial wastewater must pass through either an inspection chamber or a manhole as directed by the Manager. Inspection chambers and manholes must be:

- (a) constructed and installed in accordance with the *WFN Subdivision, Development and Servicing Law*;
- (b) installed in the wastewater drainage system, at a location approved by the Manager, to facilitate observation, measurement, and sampling of the wastewater;
- (c) accessible to the Manager at all times;
- (d) constructed, installed, and maintained at the expense of the registered holder.

3.24 Where there is more than one building on a parcel discharging industrial wastewater, each building must have a separate inspection chamber installed one metre outside the wall of the building where the building drain connects to the building sewer.

Septic Tanks/Portable Holding Tanks

3.25 Sections 3.26 to 3.29, do not apply to recreational vehicle connections provided on parcels designated by the *Westbank Physical Development Plan* for tourist campsites.

3.26 Septic tanks, portable holding tanks, or recreational vehicles must not be connected to the sanitary sewer system.

3.27 No person shall permit any sludge, deposit or material contained in, or originating from, any septic tanks, portable holding tanks, or recreational vehicles to enter into the sanitary sewer system.

- 3.28 Where a sewer connection is made to a parcel where a septic tank or tanks exist, the registered holder must remove any sludge, deposit or material contained in the existing septic tanks and must either:
- (a) fill the septic tanks with clean fill, gravel or sand; or
 - (b) break down the septic tanks and remove all the debris from the parcel.
- 3.29 All sludge, deposit or material originating from a septic tank, portable holding tank, or recreational vehicle must be deposited at Westbank's disposal facility.

Pre-Treatment

- 3.30 Where wastewater, or any component of the wastewater:
- (a) does not meet the provisions of this Law;
 - (b) may damage or increase maintenance costs on the sanitary sewer system; or
 - (c) may detrimentally affect the operation of the sewage treatment plant;
- the registered holder must retain an engineer to submit a proposal which outlines the method of pre-treatment proposed in order for the wastewater to conform to the provisions of this Law. In support of the proposal, the engineer must submit the following information to Westbank:
- (d) detailed design of the proposed pre-treatment facility;
 - (e) detailed list of the wastewater components and the anticipated concentrations of each component before and after treatment;
 - (f) detailed sampling and analysis schedule required to ensure the concentration of the wastewater components remain in compliance to the provisions of this Law;
 - (g) detailed operation and maintenance procedures.
- 3.31 Construction must not take place on the pre-treatment facility until such time as the Manager has reviewed the above information and approved construction. Approval to construct the pre-treatment facility by the Manager does not imply that the quality of the wastewater discharged after pre-treatment will meet the requirements of this Law. It is the responsibility of the registered holder to ensure that all the components of the wastewater will comply with the provisions of this Law after the pre-treatment process is completed.
- 3.32 The design, construction, operation and maintenance of the pre-treatment facilities is the responsibility of the registered holder and at the registered holder's expense. The registered holder must maintain written records of all cleaning, repair, calibration, maintenance, sampling and analysis and must store said records at the facility for a

minimum of three (3) years. The registered holder must make these records available for examination by the Manager at all reasonable times.

Interceptors

- 3.33 The registered holder of every parcel is required to provide an interceptor if the wastewater being discharged from the parcel contains, or will contain, grease, oil, grit, flammable liquids or gases, or other components which may interfere with or damage the sanitary sewer system. This includes but is not limited to:
- (a) service stations, vehicle repair garages, and automobile wash bays;
 - (b) dry-cleaning establishments;
 - (c) milk plants and creameries;
 - (d) laboratories;
 - (e) commercial kitchens; and
 - (f) concrete plants and aggregate washing plants.
- 3.34 Interceptors are not required for private living quarters or dwelling units unless they contain a home occupation which warrants the use of an interceptor.
- 3.35 All interceptors must be:
- (a) of sufficient capacity to perform the purpose for which it is intended;
 - (b) designed by an engineer or a pre-manufactured package designed for the specific purpose of trapping the deleterious components;
 - (c) located as to be readily and easily accessible for cleaning and inspection.
- 3.36 In support of the interceptor design, the registered holder is required to submit detailed design drawings and calculations from the engineer or manufacturer's specifications and manuals to the Manager for approval prior to construction. In addition the registered holder must submit operation and maintenance manuals.
- 3.37 Construction must not take place on the interceptor until such time as the Manager has reviewed the above information and approved construction. Approval to construct the interceptor by the Manager does not imply that the quality of the wastewater discharged after passing through the interceptor will meet the requirements of this Law. It is the responsibility of the registered holder's responsibility to ensure that all the components of the wastewater will comply with the provisions of this Law after passing through the interceptor.
- 3.38 The design, construction, operation and maintenance of the interceptor is the responsibility of the registered holder and at the registered holder's expense. The registered holder must maintain written records of all cleaning, repair, calibration, and

maintenance and must store said records at the place of business for a maximum of three (3) years. The registered holder must make these records available for examination by the Manager at all reasonable times.

Non-Residential Connection to the Sanitary Sewer System

3.39 Where an registered holder proposes to:

- (a) make application to connect an industrial or commercial activity to the sanitary sewer system; or
- (b) expand or change an industrial or commercial activity in such a way that it may affect the quality or quantity of the wastewater being discharged into the sanitary sewer system;

the registered holder must retain an engineer to prepare and submit the following information to the Manager in order for the Manager to ascertain that the proposed application, expansion, or change conforms to the provisions of this Law:

- (i) the proposed or existing development or addition, including flow schematic drawing;
- (ii) the daily volumes and peak discharges;
- (iii) the type of waste to be processed and discharged;
- (iv) the anticipated B.O.D. and the amount of suspended solids or grease;
- (v) the pH and temperature of the wastewater;
- (vi) chemical composition of the wastewater;
- (vii) the proposed pre-treatment, including dimensions of the proposed facility;
- (viii) flow equalizing or mixing facilities;
- (ix) the location of sampling manhole;
- (x) the monitoring equipment;
- (xi) any other information deemed necessary by the Manager.

Volume Control

3.40 Where wastewater is discharged into the sanitary sewer system in volumes which may exceed the available downstream system capacity, the Manager may require the registered holder of the parcel to take measures to equalize the discharge of volumes and strengths.

3.41 Equipment necessary to comply with section 3.40 must be provided, maintained and operated by the registered holder of such parcel in a manner satisfactory to the Manager.

Prohibitions

3.42 No person shall discharge or cause to be discharged at any entry point into the sanitary sewer system:

- (a) any extraneous flows including but not limited to storm drains, sumps, roof drains, and foundation drains;
- (b) any garbage that has been ground, comminuted, or shredded by a garbage disposal unit or by "in sink" garbage disposal;
- (c) any non-domestic water or waste which contains dyes or colouring materials which discolor the wastewater;
- (d) any water or waste added for the purpose of diluting wastes which would otherwise not meet the maximum concentrations outlined in this Law;
- (e) any non-domestic liquid or vapor having a temperature higher than 65 degrees Celsius;
- (f) any substance which may solidify or become viscous at the temperatures above zero degrees Celsius;
- (g) any material which exerts or causes:
 - (i) unusual concentrations of inert suspended solids, such as, but not limited to, fuller's earth;
 - (ii) unusual concentrations of dissolved solids such as but not limited to sodium chloride, calcium chloride or sodium sulphate;
- (h) any soluble waste or wastewater having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property which could be hazardous to structures, equipment or personnel including, but not limited to, battery or plating acid and wastes, copper sulphate, chromium salts or brine;
- (i) any flammable or explosive liquid, solid or gas which:
 - (i) has a closed cup flashpoint of sixty degrees Celsius; or
 - (ii) exceeds or could cause an exceedance of 10% of the lower explosive limit at any point within the sanitary sewer system for any single reading or 5% for any two (2) consecutive readings,including but not limited to gasoline, benzene, naphtha, alcohol, fuel, oil, solvents and acetone;

- (j) any pesticides, insecticides, herbicides or fungicides;
- (k) any toxic, radioactive, poisonous, corrosive, noxious, or malodorous gas, liquid, or substance which may either singly or by interaction with other wastes:
 - (i) cause public or worker health and safety hazards;
 - (ii) cause injury to or interference with the wastewater treatment process;
 - (iii) cause corrosive damage to the sanitary sewer system;
 - (iv) result in the release of toxic gases, vapors or fumes within the sanitary sewer system;
- (l) any solid or viscous substance, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin which may:
 - (i) obstruct the flow in the sanitary sewer system;
 - (ii) interfere with or damage the sanitary sewer system or the wastewater treatment process.

including but not limited to ashes, cinders, grit sand, mud, straw, grass clippings, insoluble shavings, metal, glass, rags, feathers, tar, asphalt, creosote, plastics, wood, animal paunch contents, offal, blood, bones, meat trimmings and waste, fish or fowl head, shrimp, crab or clam shells, fish scales, entrails, lard, mushrooms, tallow, baking dough, chemical residues, cannery or wine waste, bulk solids, hair and fleshings, spent grain and hops, whole or ground food or beverage containers, garbage, paint residues, cat box litter, slurries of concrete, cement, lime or mortar;

- (m) any sludge, deposit or material from a cesspool;
- (n) any waste liquid or material classified as "Special Waste" pursuant to the provisions of the *Waste Management Act*, and amendments thereto;
- (o) any non-domestic wastewater as analysed in the specified sample type which exceeds the limits for the following parameters, expressed in the total form as

milligrams per litre and shown in the following table:

Parameter	Concentration in Milligrams per Litre (mg/L)		
	One Day Composite Sample	Two Hour Composite Sample	Grab Sample
B.O.D.	500	1000	2001
C.O.D.	750	1500	3000
Suspended Solids	600	1200	2400
Oil and Grease (non-petroleum)	150	300	600
Oil and Grease (petroleum source)	15	30	60
pH (non-domestic waste)	>6 and <9.5	>5 and <11	>5.5 and <10.5

- (p) any non-domestic waste which, at the point of discharge into a sewer, contains any substance, in a combined or uncombined form, with a concentration in excess of the levels set out below. All concentrations are expressed as total concentrations, which include both the dissolved and undissolved substances:

Substance	Abbreviation	Concentration in Milligrams per Litre		
		One Day Composite Sample	Two Hour Composite Sample	Grab Sample
Aluminum	A1	50.0	100.0	200.0
Arsenic	As	0.5	1.0	2.0
Boron	B	50.0	100.0	200.0
Cadmium	Cd	0.2	0.4	0.8
Chromium	Cr	2.0	4.0	8.0
Cobalt	Co	5.0	10.0	20.0
Copper	Cu	2.0	4.0	8.0
Cyanide	Cn	0.5	1.0	2.0
Iron	Fe	10.0	20.0	40.0
Lead	Pb	1.0	2.0	4.0
Manganese	Mn	5.0	10.0	20.0
Mercury	Hg	0.025	0.05	0.1

Molybdenum	Mo	1.0	2.0	4.0
Nickel	Ni	2.0	4.0	8.0
Phenois	-	1.0	2.0	4.0
Phosphorus	P	12.5	25.0	50.0
Silver	Ag	1.0	2.0	4.0
Sulphate	SO ⁴	1500.0	3000.0	6000.0
Sulphide	S	1.0	2.0	4.0
Tin	Sn	5.0	10.0	20.0
Zinc	Zn	3.0	6.0	12.0

Note: More restrictive guidelines may be required if the Manager considers there to be a detrimental effect on the sewage treatment plant, the sanitary sewer system, or the workmen.

- (q) any water or waste containing substances in such concentrations that are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot, during normal operation, meet the requirement of any other agency having jurisdiction over discharges to the receiving waters;
- (r) any material or substance (e.g., enzymes and/or bacteria) that alters the structure of the waste(s) but does not reduce the loading (C.O.D.).

4. SEWER USE CHARGES

- 4.1 Council must establish a schedule of sewer user charges and fees payable pursuant to this Law, which will incorporate the sewer user charges established from time to time by RDCO and to which will be added the WFN Administration Fee.
- 4.2 There will be imposed and levied a sewer user charge against the registered holder of a parcel of land whose parcel is connected to WFN sewer system and each user will be classified in accordance with categories prescribed by RDCO.
- 4.3 The sewer user charge will be due and payable on the last business day of each billing month.
- 4.4 In the case of a connection being made during any year, the sewer user charge imposed will begin with the month during which the final inspection of the sewer connection was made. If made on or before the 15th day of the month, the full monthly rate must be charged, otherwise the sewer user charge must be one-half of the full monthly charge.
- 4.5 Any sewer user charge remaining unpaid on the 31st of December of each year will be deemed to be in arrears in respect of the parcel of land and the registered holder of the parcel of land commits an offence and shall be liable to a penalty.

5. ADDITIONAL SEWER COSTS

5.1 Council must establish a schedule of development cost charges payable pursuant to this Law, which will incorporate the development cost charges established from time to time by RDCO and to which will be added the WFN Administration Fee.

5.2 Additional sewer charges, including latecomer charges, may be imposed for the sole purpose of providing funds for Westbank to pay the capital cost of providing, altering, or expanding sewage facilities in order to serve, directly or indirectly, the development in respect of which the charges are imposed.

5.3 Where in the opinion of the Manager:

- (a) the development does not impose new capital cost burdens on Westbank; or
- (b) a development cost charge has previously been paid for, unless as a result of further development, new capital cost burdens will be imposed on Westbank,

additional sewer charges may not be payable.

5.4 Where in the opinion of Council, the charges imposed by this Law are related to capital costs attributable to projects involved in the capital budget of Westbank, Council may, in fixing additional sewer charges imposed by this Law, take into consideration future land use patterns and development, the phasing of works and services and the provision of park land described in any WFN Land Use Plan law, and whether the charges:

- (a) are excessive in relation to the capital cost of prevailing standards or service on Westbank Lands;
- (b) will deter development on Westbank Lands;
- (c) will discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land on Westbank Lands.

5.5 Every registered holder of Westbank Lands who obtains:

- (a) approval of the subdivision of a parcel of land; or
- (b) a building permit authorizing the construction or alteration of buildings or structures for a purpose other than the construction of three (3) or less self-contained dwelling units; or
- (c) a building permit authorizing construction, alteration, or extension of a building or structure, other than a building or portion of it used for residential purposes, where the value of the work exceed Fifty Thousand (\$50,000.00) Dollars or another amount that Council may prescribe;

must pay at the time of the approval of the subdivision or the issue of the building permit, as the case may be, to Council any applicable development cost charges payable under any Westbank Law.

6. ADMINISTRATION AND ENFORCEMENT

Right of Entry

- 6.1 The Manager is authorized to enter upon any parcel of land at any reasonable time to inspect any building or premises to ensure compliance with, or prevent violation of, the provisions of this Law.
- 6.2 The registered holder must permit the Manager to perform all actions required including inspection, observation, measurement, testing and sampling in order to determine compliance with this Law.

Cease and Desist Order

- 6.3 The Manager may order the registered holder who contravenes this Law to:
- (a) comply with the Law within a specified time limit; and
 - (b) plug, seal or physically disconnect the wastewater drainage system until the registered holder complies with the Law and receives in writing a "Notification of Compliance" from the Manager.
- 6.4 Where a registered holder does not comply with a cease and desist order within the specified time limit, the Manager may order the action contained in the order to be performed by WFN employees, or others, at the expense of the registered holder. All costs incurred as a result of such action will be recovered pursuant to section 3.10.

7. PROTECTION OF WESTBANK SEWER SYSTEM

Disconnection of Sewer

- 7.1 Where any wastewater which is discharged to the sewer system:
- (a) is hazardous or creates an immediate danger to any person; or
 - (b) endangers or interferes with the operation of the sewer system;
- the Manager may, in addition to any action provided for in this Law, disconnect, plug or seal off the sewer line discharging the unacceptable wastewater into the sewer system or take such other action as is necessary to prevent such wastewater entering the sewer system.
- 7.2 The unacceptable wastewater described in section 7.1 may be prevented from being discharged into the sewer system until evidence satisfactory to the Manager has been produced to ensure that no further discharge of hazardous wastewater will be made to the sewer system.
- 7.3 The registered holder of a parcel of land from which the wastewater described in section 7.1 is being discharged must forthwith pay the costs incurred by Westbank in taking all necessary action relative to the sewer disconnection and reconnection.

- 7.4 The costs incurred in section 7.3 must be in addition to and not in substitution for any fine or other penalty to which the registered holder of the parcel in question may be subject pursuant to the provisions of this Law.
- 7.5 The sewer must not be reconnected until the costs set out in section 7.3 are paid.

Recovery of Costs for Damage to the Westbank Sewerage System

- 7.6 Where any person contravenes any provision of this Law and thereby causes damage to the sewer system, such person will be liable to Westbank for all costs incurred in making repairs or taking remedial action and all such costs incurred will be recovered pursuant to section 3.10.
- 7.7 Notwithstanding section 7.6, if such costs are not paid forthwith after demand, Westbank may recover the same by action in any court of competent jurisdiction.

8. FEES AND FORMS

- 8.1 Council may, by resolution passed at a duly convened meeting, establish, correct, revise or update the terms of any applicable fee schedules, forms, protocols or other related documentation which complement and support this Law, and will post notice of same in a public area of the WFN administration building and make a copy of same available for viewing free of charge at the administrative offices of Westbank and available for distribution at a nominal charge.

9. NOTICES & CHARGES AGAINST REGISTERED HOLDERS

- 9.1 Where Westbank is required to give notice to or imposes an additional cost or charge against the registered holder and two or more persons are shown as registered holders in respect of a parcel of land, then a notice given to or a cost or charge imposed against one registered holder is not invalidated by the failure to give notice to or impose a charge against any other registered holder.

10. OFFENCES

- 10.1 No person shall obstruct, interfere or hinder Council, Westbank or any authorized employee, officer or agent in the carrying out of their duties and responsibilities under this Law.
- 10.2 Any person who violates any of the provisions of this 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 Law, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this Law, is guilty of an offence under this Law, and is liable to the penalties imposed by this Law.
- 10.3 Each day a violation of this Law continues will be deemed to be a separate offence for which a fine or imprisonment may be imposed.

10.4 Any person who is guilty of an offence under this Law is liable, on summary conviction to a fine of not more than One Thousand Dollars (\$1,000.00) or to a term of imprisonment not exceeding thirty (30) days, or both.

11. IMMUNITY

11.1 No action for damages lies or may be instituted against present or past Council; or members, employees, servants or agents of either Westbank or Council:

- (a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority; or
- (b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.

11.2 Section 11.1 does not provide a defence if:

- (a) Council, members, employees, servants or agents have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct; or
- (b) the cause of action is libel or slander.

11.3 Westbank is not liable for:

- (a) the failure of the sanitary sewer system in consequence of any accident or damage to the sanitary sewer system, or to excessive pressure or lack of pressure, or
- (b) any temporary stoppage thereof on account of alterations or repairs,

whether such failure arises from the negligence of any person in the employ of either Westbank or other person whomsoever, or through natural deterioration or obsolescence of the sanitary sewer system, or otherwise howsoever; but in the event of such failure or stoppage continuing for more than five (5) consecutive days, an equitable reduction will be made on all rates for services affected thereby.

11.4 Westbank, present or past Council, or members, employees, servants or agents of any of Westbank or Council is not liable in any action based on nuisance or on the rule in the Rylands v. Fletcher case or in any claim or action for injurious affection where the damages giving rise to the action arise, directly or indirectly, out of the breakdown or malfunction of the sanitary sewer system.

11.5 Westbank, present or past Council, or members, employees, servants or agents of any of Westbank or Council is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Law or any other Westbank Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Westbank Law.

- 11.6 In case an action is brought against Westbank to recover damages sustained by reason of any obstruction, excavation works or repairs to the sanitary sewer system within Westbank Lands, placed, made or maintained by any person, other than an employee or agent of Westbank, or to recover damages sustained by reason of any negligent or wrongful act or omission of or failure to comply with the provisions of this Law or any other Westbank Law, or any contract, covenant, or agreement by any person, other than an employee or agent of Westbank, then Westbank will have a remedy against such person, for the damages and costs, if any, which the plaintiff in the action may recover against Westbank.
- 11.7 All actions against Westbank for the unlawful doing of anything that
- (a) is purported to have been done by Westbank under the powers conferred by this Law or any Westbank Law, and
 - (b) might have been lawfully done by Westbank if acting in the manner established by law,
- must be commenced within six (6) months after the cause of action first arose, or within a further period designated by Council in a particular case, but not afterwards.
- 11.8 Westbank is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to Westbank, within two (2) months from the date on which the damage was sustained. In case of the death of a person injured, the failure to give notice required by this section is not a bar to the maintenance of the action. Failure to give the notice or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the Court of Appeal, believes
- (a) there was reasonable excuse, and
 - (b) Westbank has not been prejudiced in its defence by the failure or insufficiency.

12. APPLICATION OF LAW

- 12.1 Where any federal Act or regulation or provincial Act or regulation or any other Westbank Law may apply to any matter covered by this Law, compliance with this Law will not relieve the person from also complying with the provisions of the other applicable Act, regulation or law.
- 12.2 If any section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection will be severed from and not affect the remaining provisions of this Law.
- 12.3 The headings given to the sections and paragraphs in this Law are for convenience of reference only. They do not form part of this Law and will not be used in the interpretation of this Law.

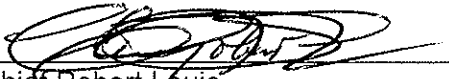
12.4 Unless otherwise noted, any specific statute named in this Law is a reference to an enactment of British Columbia and the regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Law referred to herein is a reference to a law of Westbank, as amended, revised, consolidated or replaced from time to time.


13. REPEAL

13.1 Sanitary Sewer Systems Bylaw No. 1992-04 is hereby repealed.

BE IT KNOWN that this Law entitled, "WFN Sanitary Sewer Systems Law No. 2005-18" is hereby read for the first, second, and third and final time and is hereby enacted as Law No. 2005-18 by the Council of Westbank First Nation at a duly convened meeting of Council held on the 14th day of February, 2005.

Voting in favour of the Law are the following members of Council:


Chief Robert Louie


Councillor Michael De Guevara


Councillor Brian Eli


Councillor Loretta Swite


Councillor Michael Werstuik

being a majority of those members of Council of Westbank First Nation present at the aforesaid meeting of Council.

The Quorum of Council is three (3) members.

Number of members of Council present at the meeting: 5.

