

Municipality of Cumberland

Septage Hauling Licensing By-Law 21-09

to Repeal and Replace Septage Disposal By-Law 10-01

General

1. This By-Law is made pursuant to sections 172 and 333 of the Municipal Government Act, S.N.S. 1998, c. 18, may be cited as the Septage Hauling Licensing By-Law and shall apply to the entire Municipality of the County of Cumberland.
2. This By-Law shall be read and applied in conjunction with all federal and provincial regulations governing the pumping, handling, transportation and treatment of septage.
3. This By-Law applies to persons hauling domestic septage originating within the service area.
4. In this By-Law:
 - (a) the words "shall" and "must" are mandatory and not permissive. Words used in the present tense include the future. Words used in the singular include the plural except where otherwise indicated and words used in the plural include the singular.

Definitions

5. In this By-Law, unless the context otherwise requires:
 - (a) "Council" means the Municipal Council of the Municipality of the County of Cumberland;
 - (b) "domestic septage" means the liquid, semi-solid and solid material resulting from the treatment of domestic sewage (as defined herein) by on-site wastewater disposal systems including septic tanks, holding tanks and vault privies;
 - (c) "domestic sewage" means the wastewater produced as a result of normal human living activities such as food preparation and consumption, household cleaning, washing and the use of toilet facilities, whether those activities take place in a residential, commercial or institutional setting. Domestic sewage specifically excludes wastewater produced by industrial, processing, manufacturing, mining or agricultural activities;
 - (d) "Engineer" means the Director of Public Works of the Municipality and his or her delegate(s);

- (e) "holding tank" means a closed watertight receptacle that is designed and used to receive and store domestic sewage, as defined herein, prior to collection by a domestic septage hauler;
- (f) "license" means a document issued by the Engineer pursuant to this By-Law stating that the person named therein, subject to this By-Law and any conditions specified in the license, is authorized to collect, transport and dispose of domestic septage originating within the service area, and "licensed" has a similar meaning;
- (g) "licensed domestic septage hauler" mean a person holding a license pursuant to this By-Law;
- (h) "Municipality" means the Municipality of the County of the Cumberland;
- (i) "NSE" means Nova Scotia Environment and any successor thereto;
- (j) "person" and "persons" mean an individual, sole proprietorship, partnership, co-operative or corporation;
- (k) "pumper/transport vehicle" means a vehicle operated by a domestic septage hauler and used for the purposes of collecting and/or transporting domestic septage;
- (l) "septage" means the liquid, semi-solid and solid material resulting from the treatment of sewage by individual on-site wastewater disposal systems and includes domestic septage (as defined herein);
- (m) "septage treatment facility" means the centralized treatment facility designed for the storage and de-watering of septage and holding tank material located at Little Forks, Cumberland County;
- (n) "service area" means the municipal boundaries of the Municipality of Cumberland County, which excludes the Towns of Amherst and Oxford; and
- (o) "year" means the fiscal year of the Municipality.

License Requirement and Authority

6. No person shall engage in the collection, transporting or disposing of domestic septage originating within the service area unless the person holds a current license issued pursuant to this By-Law for that purpose.
7. The Engineer may conduct inspections and take steps to administer and enforce this By-Law or remedy a contravention of this By-Law without prior notice to a licensed domestic septage hauler.

Disposal

8. All licensed domestic septage haulers shall:
 - (a) dispose of all domestic septage originating within the service area at the septage treatment facility; and
 - (b) comply with all applicable federal, provincial and municipal laws, by-laws, regulations, orders and rules.

Licensing

9. The following applies to licensing of domestic septage haulers:
 - (a) A license shall only be issued to a sole proprietorship, partnership, cooperative or corporation duly registered with the Registry of Joint Stock Companies for the Province of Nova Scotia, or to an individual doing business under his or her own name;
 - (b) A license shall only be issued to a person who holds a valid permit or registration to pump and transport septage, as required or issued by Nova Scotia Environment;
 - (c) Any person wishing to obtain a domestic septage hauler's license must make application to the Municipality as set out in Schedule "A";
 - (d) Any person wishing to obtain a domestic septage hauler's license must provide proof of registration with Nova Scotia Environment as a septic tank cleaner as per section 37(1) of the Nova Scotia On-site Sewage Disposal Systems Regulations and this proof must be included with the application;
 - (e) Any person wishing to obtain a domestic septage hauler's license must provide proof of insurance coverage for commercial general liability (bodily injury and property damage), automobile liability and workers' compensation insurance with limits that are required by appropriate regulatory agencies or the following limits which are subject to adjustment by Council resolution from time to time, whichever are greater:
 - i. commercial general liability having a minimum coverage limit of \$2,000,000.00 combined single occurrence and in the aggregate;
 - ii. comprehensive automobile liability for owned, hired, and non-owned vehicles having a minimum coverage limit of \$2,000,000.00 combined single occurrence and in the aggregate;
 - (f) All licenses expire on March 31st each year and each annual renewal of a license requires a new completed application and licensing fee;

- (g) The license shall specify the particular vehicle(s), by description and vehicle license plate particulars, that a licensed septage hauler shall use when pumping, transporting or disposing of septage in the Municipality together with such other conditions as the Engineer may reasonably impose; and
- (h) The Engineer shall issue a license to a person who has submitted all information required by, and who is in compliance with, this By-Law and the Schedules to this By-Law.

Prohibitions

- 10. No person shall deposit, cause or permit to be deposited, septage in a storm sewer.
- 11. No person shall deposit, cause or permit to be deposited, septage into a sanitary sewer, manhole or collection system operated by the Municipality.
- 12. Violation of sections 10 or 11 of this By-Law is a "license offence" with the consequences set out in Sections 14 and 15 of this By-Law.

Vehicle Signage

- 13. The Engineer shall assign a license number to each licensed pumper/transport vehicle and shall provide signage indicating that number and the existence of the license for each vehicle identified in a license. Failure to install the signage as directed by the Engineer or to maintain its visibility will result in license suspensions as set out in Section 14 of this By-Law.

License Suspension

- 14. Any licensed domestic septage hauler who contravenes or fails to comply with the provisions of Section 13 of this By-Law shall:
 - (a) on a first contravention or failure to comply, receive a temporary license suspension which shall last until 5 days after the infraction for which the suspension had been given is corrected;
 - (b) on a second contravention or failure to comply, receive a temporary license suspension which shall last until 30 days after the infraction for which the suspension had been given is corrected; and
 - (c) on a third or any subsequent contravention or failure to comply, receive a temporary license suspension which shall last until 90 days after the infraction for which the suspension had been given is corrected.

License Offences

15. Any person who contravenes or fails to comply with the provisions of Sections 6, 8, 10 or 11 of this By-Law has committed a license offence and shall:
- (a) on a first contravention or failure to comply, receive a temporary license suspension of 5 days and must pay to the Municipality a reinstatement fee of \$250.00 before the license is reinstated or, if unlicensed, pay a fine of \$250.00;
 - (b) on a second contravention or failure to comply, receive a temporary license suspension of 30 days and must pay to the Municipality a reinstatement fee of \$1,000.00 before the license is reinstated or, if unlicensed, pay a fine of \$1,000.00;
 - (c) on a third contravention or failure to comply, receive a temporary license suspension of 90 days and must pay to the Municipality a reinstatement fee of \$2,500.00 before the license is reinstated or, if unlicensed, pay a fine of \$2,500.00; and
 - (d) on a fourth or any subsequent contravention or failure to comply, receive an indeterminate license suspension, shall be prohibited from applying for reinstatement for 12 months, must obtain Council approval for the reinstatement and must pay a reinstatement fee of \$5,000.00 before the license is reinstated or, if unlicensed, pay a fine of \$5,000.00.

Licensing Fee

16. The annual licensing fee for a licensed domestic septage hauler shall be set by Council by Resolution from time to time.

Accountability

17. The actions of any persons in the employ or acting on behalf of a licensed domestic septage hauler while performing activities governed by this By-Law are deemed, for the purpose of this bylaw, to be conducted by the licensed domestic septage hauler.

Previous By-Law

18. This By-Law repeals and replaces Septage Disposal By-Law 10-01.

Coming into Force

19. This By-Law comes into force upon publication.

Schedule "A" of the Septage Hauling Licensing By-Law
Licensing Application

General Information - (Please print clearly and legibly)

Name of Applicant (if a company, corporate name)

Mailing Address _____

Street Address _____

Community _____ Postal Code _____

Work Phone _____ Home Phone _____

Cellular Phone _____ Facsimile _____

HST # _____ # of Pumper/Transport Vehicles _____

Insurance Policy # _____ Insurance Policy # _____

Please attach insurance confirmations to this application

Pumper/Transport Vehicle Information

Plate # (Truck #1) _____ Plate # (Truck #2) _____

Make (Truck #1) _____ Make (Truck #2) _____

Model (Truck #1) _____ Model (Truck #2) _____

VIN # (Truck #1) _____ VIN# (Truck #2) _____

PMV # (Truck #1) _____ PMV # (Truck #1) _____

Signing Authority:

First Name Last Name

Position Date

Signature

Information for Applications

1. The application must comply with the terms of Septage Hauling Licensing By-Law 21-09.
2. The application fee must accompany this application form. Please make cheques payable to "Municipality of the County of Cumberland"
3. The completed form and payment can be returned by mail or dropped off at the Municipal office.

Clerk's Annotation For Official By-Law Book

Date of first reading: December 22, 2021

Date of second reading: January 12, 2022

*Date of advertisement of Passage of By-Law: January 26, 2022

Date of mailing to Minister a certified copy of By-Law: January 26, 2022

I certify that this Septage Hauler Licensing By-Law 21-09 was adopted by Council and published as indicated above.


Municipal Clerk


Date

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law