

A BYLAW FOR THE REGULATING, MANAGEMENT, OPERATION AND  
MAINTENANCE OF PRIVATE WASTEWATER AND SEWAGE DISPOSAL SYSTEMS IN THE  
SUMMER VILLAGE OF SUNSET BEACH

WHEREAS the Municipal Government Act provides that the Council of a municipality may pass bylaws for the safety, health and welfare of people and the protection of people and property;

AND WHEREAS sewage affects public health, safety and the environment and the summer village is concerned with the impact of sewage generated within the municipality;

AND WHEREAS article 1.1.3.1.1 of the Alberta Private Sewage Systems Standard of Practice, adopted under the Safety Codes Act, states that the objective of an on-site wastewater treatment system is to treat wastewater and return it to the environment so that (a) risks to health are not created, (b) the impact on the ground and surface waters is minimized, and (c) the environment is not harmed;

AND WHEREAS article 2.1.2.2.1 of the Alberta Private Sewage Systems Standard of Practice states that it is the owner's responsibility to ensure that the system (a) is maintained, (b) is operated within the design parameters of the system, and (c) effectively treats the wastewater;

AND WHEREAS the ongoing operation and maintenance of existing private sewage systems is not regulated under the Safety Codes Act;

AND WHEREAS the Council of the Village deems it advisable to adopt a Bylaw respecting Private Wastewater Disposal Systems within the Village's boundaries;

NOW THEREFORE the Council of the Summer Village of Sunset Beach, enacts as follows:

Name of Bylaw

1. This Bylaw shall be known as "The Private Wastewater System Operation and Management Bylaw".

Purposes of the Bylaw

2. The purposes of this Bylaw are:
  - a. To protect the safety, health and welfare of people and property by ensuring that Private Wastewater Disposal Systems are safely and appropriately maintained and operated;

- b. In furtherance of, and concurrent with the foregoing, to protect the waters and the watershed of Baptiste Lake in Athabasca County, Alberta;
- c. To ensure existing Private Wastewater Disposal Systems treat Wastewater in a manner consistent with the objectives of the Standard of Practice.

### Interpretation

#### 3. In this Bylaw:

- a. Approved Maintenance Inspector means the holder of a Private Sewage Certificate of Competency granted by Alberta Municipal Affairs and who has been approved by the Village.
- b. Designated Officer means a designated officer appointed by the Village pursuant to the Municipal Government Act to carry out the powers, duties and functions of a designated officer under this Bylaw or any other Bylaw or Enactment.
- c. Effluent means the liquid discharged from any Private Wastewater Disposal System component.
- d. Enactment means any Canada or Alberta statute or regulation, any other bylaw of the Village, and any amendments thereto or substitutions therefor.
- e. Holding Tank means a tank designed to retain Wastewater or Effluent until transferred into mobile equipment for treatment offsite.
- f. Inspection Report means an Inspection Report provided by an Approved Maintenance Inspector in accordance with this Bylaw.
- g. Municipal Government Act means the Municipal Government Act, R.S.A., 2000, c. M-26, as amended or repealed and replaced from time to time.
- h. Owner means the registered owner, the occupant, or the person or persons responsible for a property within the Village.
- i. Person includes an individual, corporation, partnership, association, or any other entity.
- j. Private Wastewater Disposal System means a plant for the treatment and disposal of Wastewater, including those incorporating a septic tank and absorption field, that is not connected to a municipal or regional wastewater disposal system. Without restricting the generality of the foregoing, this includes on-site wastewater treatment systems as defined in the Standard of Practice, and privies.

- k. Private Sewage Disposal Systems Regulation means the Private Sewage Disposal Systems Regulation, Alberta Regulation 229/1997 as amended or repealed and replaced from time to time.
- l. Privy means any small building or enclosure having a toilet pedestal, or bench with a hole or holes, through which human excrement falls into an excavated pit or waterproof vault.
- m. Provincial Offences Procedure Act means the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- n. Safety Codes Act means the Safety Codes Act, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time.
- o. Safety Codes Officer means a Safety Codes Officer in the plumbing discipline holding Group B qualifications.
- p. Standard of Practice means the Alberta Private Sewage Systems Standard of Practice published by the Safety Codes Council, as amended or repealed and replaced from time to time.
- q. Treatment Field means a system of Effluent dispersal and treatment by distributing Effluent within trenches containing void spaces that are covered with soil, and includes a "Treatment field" as further defined in the Standard of Practice.
- r. Treatment Mound or Mound means a system where Effluent is distributed into a sand layer and is built as above grade to overcome limits imposed by proximity to a water table or bedrock, or by highly permeable or impermeable soils.
- s. Village means The Summer Village of Sunset Beach.
- t. Wastewater means the composite of liquid and water-carried wastes associated with the use of water for drinking, cooking, cleaning, washing, hygiene, sanitation or other domestic purposes, and includes "greywater" and "sewage" as defined or used in the Standard of Practice, but does not include liquid waste from industrial processes.
- u. Wastewater Collection System means a community system for the collecting and disposition of Wastewater, operated by the Village or a contractor selected by the Village, either alone or in cooperation with other municipalities.
- v. Wastewater Producing Parcel means any land located within the Village upon which, by virtue of the use or occupation thereof, Wastewater may tend to be or is produced or generated, and without limiting the generality

of the foregoing this definition shall be interpreted to include any land upon which a recreational vehicle, house trailer or the like is occupied for residential purposes for seven or more consecutive days within a year.

4. a. Where words or terms defined or used in this Bylaw are further or otherwise defined in the Municipal Government Act, the Safety Codes Act, the Private Sewage Disposal Systems Regulation, the Standard of Practice, or any land use or development bylaw presently or hereafter in force in the Village, the definition of that word or term in this Bylaw shall be deemed to include that other definition such as the context may require.
- b. Where this Bylaw uses the masculine or singular version, it shall be deemed to include the feminine or plural, and vice versa.
5. Nothing in this Bylaw relieves any Person from complying with any Enactment or any requirements of any permit, order or license.
6. Where a conflict exists between this Bylaw and any Canada or Alberta enactment, the Canada or Alberta enactment prevails.

#### Required Installation, Collection and Disposition

7. All Wastewater Producing Parcels shall have constructed or installed thereon, and shall be connected to and utilize a properly functioning Private Wastewater Disposal System that meets the requirements of the Standard of Practice. The Effluent from all Wastewater Producing Parcels shall be collected and disposed of in a manner that complies with the Enactments.

#### Inspections

8. In addition to any inspections provided for in sections 9 or 10 of this Bylaw, a Designated Officer, upon having reasonable grounds for the belief that a violation of this bylaw or an Enactment may exist, may order the inspection of any Private Wastewater Disposal System at any reasonable time upon providing an Owner with reasonable notice of the intent to conduct such inspection.
9. All existing Private Wastewater Disposal Systems that include Treatment Fields, Mounds or Privies must be inspected by an Approved Maintenance Inspector no later than July 31, 2020.
10. All existing Private Wastewater Disposal Systems that include Holding Tanks must be inspected by an Approved Maintenance Inspector as follows:
  - a. If the Holding Tank is 10 years of age or older as of the date of this Bylaw or if the age of the Holding Tank cannot be demonstrated to the satisfaction of the Village, the Private Sewage Disposal System must be inspected by no later than July 31, 2022.

- b. If the Holding Tank is less than 10 years of age as of the date of this Bylaw, the Private Sewage Disposal System must be inspected by no later than the either July 31, 2022 or the 10th anniversary following the date of installation of the Holding Tank, whichever is later.
11. Following inspection pursuant to sections 8, 9 or 10 of this Bylaw, all Private Wastewater Disposal Systems that include Holding Tanks (not Treatment Fields, Mounds or Privies) must be inspected by an Approved Maintenance Inspector at least every 10 years.
12. Following inspection pursuant to sections 8, 9 or 10 of this Bylaw, all Private Wastewater Disposal Systems that include Treatment Fields, Mounds or Privies must be inspected by an Approved Maintenance Inspector at least every 5 years.
13. Following an inspection pursuant to sections 8, 9, 10, 11 or 12 of this Bylaw, the Approved Maintenance Inspector shall issue an Inspection Report to the Owner and to the Village. The Inspection Report issued shall be in a form approved by the Village and shall otherwise comply with the provisions of this bylaw.
14. If the Inspection Report issued pursuant to section 13 hereof indicates any failure to comply with the Standard of Practice or any Enactment applicable thereto, then subject to section 16 herein the Owner must, within 90 days of the date of issue of the Inspection Report:
  - a. Remove the Private Wastewater Disposal System in a manner that will not cause any contamination or create an unsafe condition, and replace it with a Private Wastewater Disposal System that complies with the Standard of Practice;
  - b. Repair the Private Wastewater Disposal System to comply with the Standard of Practice or Enactment, in which case in the case of a repair to a Holding Tank as provided for herein, cause a report to be prepared by an Approved Maintenance Inspector upon completion of the repair, verifying that the Holding Tank is in compliance with the Standard of Practice; or
  - c. In the case of a Private Wastewater Disposal System that uses a Treatment Field or Mound in which the Treatment Field or Mound does not comply with the applicable Standard of Practice or Enactment, replace the Treatment Field or Mound with a Holding Tank that complies with the Standard of Practice.
15. If a Private Wastewater Disposal System does not comply with the applicable Standard of Practice or Enactment but a Safety Codes Officer determines that the deficiencies do not compromise public safety or the environment, the Safety Codes Officer may approve a variance in accordance with the Safety Codes Act.

16. If the Standard of Practice does not apply to any Private Wastewater Disposal System within the Village as a result of any Enactment, or for any other reason, the Private Wastewater Disposal System must still be inspected in accordance with this Bylaw; however, in such case the applicable standard to which it will be held is a standard acceptable to an administrator of the Safety Codes Act instead of the applicable Standard of Practice.
17. In the event of a mandated removal, repair or replacement pursuant to Section 14 hereof, then notwithstanding the time requirements set out therein an Owner may, within 90 days of the issue of the Inspection Report, provide a written request to the Designated Officer for an extension of time to address any non-compliance issues or deficiencies as identified therein, and the Designated Officer may exercise such discretion as regards extension of time for the removal, repair or replacement as may be appropriate in the circumstances, bearing in mind:
  - a. the nature and extent of the non-compliance;
  - b. health and safety concerns; and,
  - c. environmental concerns.

#### Privies, Treatment Fields and Mounds Alternative Private Wastewater Systems

18. No new or replacement Treatment Fields or Mounds shall be permitted or constructed within the Village.
19. All Privies must be equipped with water-tight Holding Tanks.
20. The product of alternative wastewater systems, such as chemical toilets and incinerating toilets, must be disposed of in a manner acceptable to Alberta Environment and any other authority with relevant jurisdiction.

#### Severability

21. Each provision of this Bylaw shall be deemed independent of all other provisions. Should any provision of this Bylaw is declared invalid by a competent authority the remaining provisions shall, notwithstanding such invalidity, remain valid and enforceable.

#### Enforcement

22. If an Approved Maintenance Inspector identifies:
  - a. any failure to comply with the applicable Standard of Practice or Enactment;

- b. in the case of Private Wastewater Disposal Systems to which section 16 applies, failure to meet a standard acceptable to an administrator of the Safety Codes Act; or,
- c. any unsafe condition or conditions;

in the course of conducting an Inspection pursuant to this bylaw or an Enactment, the Approved Maintenance Inspector shall, as soon as is practicable thereafter notify the Designated Officer and a Safety Codes Officer of such failure or condition in writing.

- 23. a. If a Designated Officer believes on reasonable grounds that an Owner is in violation of this Bylaw or an Enactment, the Designated Officer or Safety Codes Officer may commence proceedings against that Owner by:
    - i) Issuing an Order pursuant to the Municipal Government Act;
    - ii) Issuing a violation ticket pursuant to the Provincial Offences Procedures Act; or
    - iii) Laying an information in lieu of issuing a violation ticket pursuant to the Provincial Offences Procedures Act.
  - b. Where an Order is issued pursuant to this section and an Owner fails or refuses to comply with such Order within the time specified, a Designated Officer may, in accordance with the Municipal Government Act, enter upon the Owner's property and cause or take such action as is required to carry out the Order.
  - c. Where a Designated Officer causes or takes such action as is required to carry out an Order pursuant to this section, the council of the Village shall cause the costs and expenses incurred in carrying out the Order to be placed on the tax roll as an additional tax against the property concerned in accordance with the provisions of the Municipal Government Act.
  - d. An Owner of property that fails to comply with one or more provisions of this Bylaw is guilty of an offence and liable:
    - i) on a first conviction, to a fine not exceeding \$500.00;
    - ii) on a second conviction, to fine not exceeding \$1,000.00;
    - iii) on a third or subsequent conviction, to a fine not exceeding \$2,500.00.
  - e. An Owner who is guilty of an offence under this Bylaw is liable on conviction for each day or part of a day on which the offence occurs or continues.
24. Nothing in this Bylaw shall be interpreted so as to diminish or otherwise affect the provisions of the Municipal Government Act relating to offences and penalties, nor to

impair the right of the Village under the Municipal Government Act or any other Enactment, or at common law, to seek an entry order, order for compliance, injunction or such other order or other relief as may be available to it for the purpose of enforcing or otherwise obtaining or requiring compliance with this Bylaw.

25. Nothing contained in this Bylaw shall be interpreted so as to diminish or otherwise affect the provisions of the Safety Codes Act relating to offences or penalties.
26. Nothing contained in this Bylaw shall be interpreted so as to diminish or otherwise affect any obligation imposed by the Safety Codes Act relating to the reporting of accidents or unsafe conditions.
27. Nothing contained in this Bylaw shall be interpreted so as to diminish the discretion afforded to a Safety Codes Officer pursuant to the Safety Codes Act or the Standard of Practice.
28. Neither the levying or the payment of any fine pursuant to the provisions of this Bylaw or an Enactment, nor the imposition or satisfaction of any other penalty shall relieve any Person from paying any other fees, charges, or costs for which that person is liable under the provisions of this or any other Bylaw or Enactment.

#### Private Wastewater Disposal System Records

29. Owners shall retain and shall provide records of Private Wastewater Disposal Systems repairs and pump-outs for a minimum of 5 years from the date of repair or pump-out, for examination by a Designated Officer upon request being made therefor.

#### Effective Date

30. This Bylaw shall come into force immediately following third reading thereof.