

**BYLAW NO. 231-10
VILLAGE OF ALBERTA BEACH**

**A BYLAW OF THE VILLAGE OF ALBERTA BEACH, IN THE PROVINCE OF
ALBERTA, RESPECTING THE SUPPLY OF SEWER SERVICES**

WHEREAS the Municipal Councils of the Village of Alberta Beach, the Summer Village of Sunset Point, and the Summer Village of Val Quentin (collectively, the "Municipalities") have determined it to be expedient to establish a Bylaw to regulate the provision of Sewer Services in the Municipalities;

AND WHEREAS the Municipalities are all served by the TriVillage Regional Sewage Services Commission, established and operated in accordance with the *TriVillage Regional Sewage Services Commission Regulation*, Alta. Reg. 70/1990, *TriVillage Regional Sewage Services Commission Municipal Utilities Acquisition Regulation*, Alta. Reg. 368/1992, and Part 15.1 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended;

AND WHEREAS Section 7(g) of the *Municipal Government Act* provides the Municipalities with the authority to enact bylaws regarding public utilities;

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, R.S.A. 2000 c.M-26, as amended, Municipal Council for the Village of Alberta Beach, duly assembled enacts as follows:

PART I – INTERPRETATION

1. This Bylaw may be referred to as the "Sewer Bylaw".
2. Definitions
 - (a) "Address of Permanent Residence" means the address constituting the Consumer's primary dwelling place, which may or may not be the Premises receiving Sanitary Sewer Services.
 - (b) "Alberta Plumbing Code" means the National Plumbing Code of Canada 1995, adopted and in force in the Province of Alberta pursuant to Alberta Regulation 219/97, as amended or repealed and replaced from time to time.
 - (c) "Appurtenance" means any fixture, receptacle, apparatus or other device which is attached to and forms a part of a Service Connection.
 - (d) "Authorized Person" means a Person employed or under contract to the Commission or the Municipalities and occupying a position listed at Schedule "B" to this Bylaw.
 - (e) "Black Water" means domestic wastewater containing human excrement or matter contaminated with human excrement, discharged from a toilet.
 - (f) "Commission" means the TriVillage Regional Sewage Services Commission.
 - (g) "Consumer" means any Person whose Premises is connected to the Sanitary Sewer System, or any lessee or Occupant of such a Premises for the purpose of providing Sanitary Sewer Service under this Bylaw.
 - (h) "Designated Officer" means a Person appointed pursuant to s. 210(1) of the *Municipal Government Act*, and includes for the purpose of this Bylaw, an Authorized Person.
 - (i) "Development Authority" shall have the meaning set out at s. 616(c) of the *Municipal Government Act*.
 - (j) "Emergency" shall be as defined in s. 541(a) of the *Municipal Government Act*.

- (k) "Grey Water" means domestic wastewater from a hand basin, bath, shower, kitchen or laundry, excluding Blackwater.
- (l) "*Municipal Government Act*" means R.S.A. 2000, c.M-26, as amended or repealed and replaced from time to time.
- (m) "Municipal Tag" means a notice issued by the Municipality pursuant to s. 7 of the *Municipal Government Act*, for the purpose of providing a Person with an opportunity to acknowledge a contravention of this Bylaw, and to pay a penalty directly to the Municipality, in order to avoid prosecution for the contravention.
- (n) "Municipality", in the singular, means the Village of Alberta Beach.
- (o) "Municipalities", in the plural, means the Village of Alberta Beach, the Summer Village of Sunset Point, and the Summer Village of Val Quentin, collectively.
- (p) "Occupant" means a Person occupying a Premises or Dwelling Unit, including a lessee or licensee, who has actual use, possession or control of the Premises or Dwelling Unit.
- (q) "Owner" means the registered owner of real property to which a Utility Service is provided pursuant to this Bylaw, and includes a purchaser under an agreement for sale of real property.
- (r) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed by any of the Municipalities, or a Peace Officer or Bylaw Enforcement Officer appointed to enforce the Municipalities' Bylaws.
- (s) "Person" includes any individual, firm, partnership or body corporate.
- (t) "Premises" means real property and all buildings, structures and improvements thereon.
- (u) "*Provincial Offences Procedure Act*" means R.S.A. 2000 c.P-34, as amended or repealed and replaced from time to time.
- (v) "Registered Owner" means the Registered Owner of a Premises, as evidenced on a Certificate of Title for that Premises.
- (w) "*Safety Codes Act*" means R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time.
- (x) "Sanitary Sewer Service(s)" means the supply of sewage disposal services to a Premises by the Commission pursuant to this Bylaw.
- (y) "Sanitary Sewer System" means that system of pipes, fittings, fixtures, Appurtenances, treatment plants, pumping stations, feeder mains, portions of Service Connections, and all other equipment and machinery of whatever kind owned by the Commission which is required for the collection and disposal of sewage, and which is deemed to be a Public Utility within the meaning of the *Municipal Government Act*.
- (z) "Service Connection" means that pipe which connects a Consumer's Premises to the Commission's main line of the Sanitary Sewer System.
- (aa) "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*.

PART II – SANITARY SEWER SERVICES

3. Services Provided by Commission

- (a) The provision of Sanitary Sewer Services in the Municipalities shall be the responsibility of the Commission.
- (b) The Commission may establish standards, guidelines, and specifications for the design, construction and maintenance of the Sanitary Sewer System.

4. Terms of Service

- (a) The provisions of this Bylaw shall constitute terms of service for the provision of Sanitary Sewer Services, and all Persons shall comply with the provisions herein.
- (b) All work performed on any portion of the Sanitary Sewer System, pursuant to the terms of this Bylaw by a Consumer shall be performed in accordance with the required standards set out in the Alberta Plumbing Code, and any other applicable Code under the *Safety Codes Act*.
- (c) Prior to commencing work to access the sewer system, the Owner or representative shall fill out a Commission "Application for Connection and Service" and pay the required connection fee. All provisions of the Application must be adhered to.
- (d) As a condition of a subdivision or development approval issued pursuant to the Municipality's Land Use Bylaw, the applicant for subdivision or development approval will be made responsible for the construction of the sewer Service Connection located on Municipal or Commission property. The Developer shall ensure such construction is to Commission standards, is subject to Commission inspection and may be required to enter into a Development Agreement with the Commission. A clean-out will be required at the property line of each new installation.
- (e) Those portions of the Service Connection located within the boundaries of the Premises shall be constructed by the Owner at his or her sole expense, pursuant to the terms of this Bylaw and any specifications provided by the Commission, and the Owner shall be responsible for the continued maintenance and repair of the sewer Service Connection thereafter. Such construction will be subject to Commission inspection and any requirements of the Commission such as engineering studies at the Owners expense.
- (f) The Commission shall, at all times, remain the Owner of that portion of the Service Connection between the Commission's main line and the property line of the road or boundary of an easement granted to the Commission or Municipality for its Sewer System notwithstanding that the Commission's portion of the Service Connection may have been constructed by, or its construction funded by, an applicant for a subdivision or development approval.

Use and Protection of Sewer System

5. Prohibitions

- (a) No Person shall connect, or permit the connection of, any pipe, device or Service Connection to the Sanitary Sewer System without the written authorization of the Commission.
- (b) No Person shall connect, or permit the connection of, any pipe, device or Service Connection to the Sanitary Sewer System that is not installed in accordance with:
 - i. the *Alberta Plumbing Code*;
 - ii. the *Safety Codes Act*, or any Code thereunder;
 - iii. any other applicable regulation or legislation;

- iv. any other conditions or requirements imposed by the Commission with respect to the standards or requirements for a Service Connection.
- (c) No Person shall dispose of, or permit the disposal of, any chemical, toxic or dangerous substance, or other form of pollutant into the Sanitary Sewer System.
- (d) No Person shall connect, or permit the connection of, a weeping tile system to the sanitary sewer, unless approved in writing by the Commission.
- (e) No Person shall dispose of any substance other than Black Water or Grey Water into any sewage Service Connection connected to the Sanitary Sewer System.
- (f) Except as authorized by the Commission, no Person shall turn, lift, remove, raise or tamper with the cover of any manhole or other Appurtenance of the Sanitary Sewer System.
- (g) No Person shall cut, break, connect to or otherwise interfere with any part of the Sanitary Sewer System, except as authorized in writing by the Commission.
- (h) No Person shall interfere with the free discharge of the Sanitary Sewer System, or any part thereof, or do any act or thing which may impede or obstruct the flow of substances within the Sanitary Sewer System.
- (i) For the purpose of determining compliance with the provisions of this Bylaw, an Authorized Person may, upon providing reasonable notice to the Owner or Occupant, enter into any Premises for the purpose of conducting an inspection under s. 542 of the *Municipal Government Act*.

PART III – ADMINISTRATION

Authority of Authorized Persons

6. The Commission is responsible for the administration and enforcement of this Bylaw, and may further delegate this authority as it deems appropriate.
7. A Person occupying a position identified as an Authorized Person under this Bylaw is a Designated Officer of the Municipalities pursuant to Section 210(1) of the *Municipal Government Act*, and shall have the authority to exercise any powers, duties or functions identified in this Bylaw.
8. In the event of an Emergency, a Commission member or designee or any Authorized Person or Peace Officer, may enter onto any Premises, without prior notice to any Person, for the purpose of disconnecting the supply of a utility, the prevention of flooding, or to prevent the release of sewage from the Sanitary Sewer System.
9. Where an Authorized Person or Peace Officer finds that a Person is contravening any provision of this Bylaw, in addition to any other remedy provided, the Authorized Person may issue an Order to the Owner, Occupant or Person responsible for the contravention pursuant to ss. 545 or 546 of the *Municipal Government Act*, as applicable, directing that the Owner, Occupant, Person responsible for the contravention or any or all of them take the steps necessary to remedy the contravention in a time period set by the Authorized Person.

PART IV – OFFENCES AND PENALTIES

Offences

10. Upon Summary Conviction, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to the applicable penalties set out in Schedule “A” herein, as amended by Resolution of Council from time to time.

11. Any Person who provides false information to the Commission, the Municipalities, an Authorized Person or to any other Person empowered to enforce the terms of this Bylaw, is, upon summary conviction, liable to the applicable penalties set out at Schedule "A" herein.

Enforcement

12. Municipal Tags

- (a) A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

- i. A Municipal Tag shall be served upon such a Person personally, or in the case of a corporation, by serving the Municipal Tag personally upon the Manager, Secretary or other Officer of the corporation, or a Person apparently in charge of a branch office, or by mailing a copy to such Person by registered mail.
- ii. Where personal service cannot be effected upon a Person, the Peace Officer may serve the Municipal Tag by leaving the Tag with a Person on the Premises who has the appearance of being at least eighteen (18) years of age.

- (b) A Municipal Tag shall be in a form approved by Council, and shall contain the following information:

- i. The name of the Person to whom the Municipal Tag is issued;
- ii. The date of issuance;
- iii. A description of the offence, the section number of the Bylaw, and the date on which the offence occurred;
- iv. The appropriate penalty for the offence as specified at Schedule "A" of the Bylaw;
- v. That the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag, in order to avoid prosecution; and
- vi. Any other information as may be required by the Chief Administrative Officer from time to time.

- (c) Where a Municipal Tag has been issued pursuant to Section 12(a), the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Municipality, the penalty specified on the Municipal Tag, within the time period provided.

- (d) Nothing in this Section shall:

- i. prevent any person from exercising his right to defend any charge of committing a breach of any Section of the Bylaw or
- ii. prevent any Peace Officer, in lieu of serving a tag, from issuing a Violation Ticket to a person or registered owner pursuant to the Provincial Offences procedures Act, R.S.A. 2000, c. S-1.

13. Violation Tickets

- (a) In those cases where a Municipal Tag has been issued and the penalty specified on the Municipal Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*.

- (b) Notwithstanding Section 13(a) above, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Peace Officer has reasonable grounds to believe has contravened

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any provision of this Bylaw, notwithstanding that a Municipal Tag has not first been issued.

- (c) Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

NOTICES

14. Unless a provision of this Bylaw dictates otherwise, any notice required to be given pursuant to this Bylaw may be given by registered mail, personal service, or by posting the notice at a location on the Premises where the notice is likely to come to the attention of the person to whom it has been issued.

GENERAL PROVISIONS

15. The Municipalities shall not be liable for any damages caused by the break, disruption, stoppage, maintenance or disrepair of the Sanitary Sewer System, unless such damages are due directly to the negligence of the Municipalities or its employees.
16. This Bylaw shall come into full force and effect on the date that third and final reading is completed.

READ a first time this 21st day of September, 2010.

READ a second time this 16th day of August, 2011.

READ a third and finally passed this 16th day of August, 2011.

SIGNED by the Mayor and C.A.O. this 16th day of August, 2011.

VILLAGE OF ALBERTA BEACH

PER: 
LOU HUDON, MAYOR

VILLAGE OF ALBERTA BEACH

PER: 
KATHY SKWARCHUK, C.A.O.

SCHEDULE "A"

PENALTIES FOR OFFENCES

- 5(a) Connecting, or permitting the connection of, any pipe, device or Service Connection to the Sanitary Sewer System without the written authorization of the Commission.
PENALTY: \$500.00
- 5(b) Connecting or permitting connection of, any pipe, device or Service Connection to the Sanitary Sewer System that is not installed in accordance with:
- i. the *Alberta Plumbing Code*;
 - ii. the *Safety Codes Act*, or any Code thereunder;
 - iii. any other applicable regulation or legislation;
 - iv. any other conditions or requirements imposed by the Commission with respect to the standards or requirements for a Service Connection.
- PENALTY: \$500.00
- 5(c) Disposing or permitting the disposal of, any chemical, toxic or dangerous substance, or other form of pollutant into the Sanitary Sewer System.
PENALTY: \$500.00
- 5(d) Connecting or permitting the connection of, a weeping tile system to the sanitary sewer, unless approved in writing by the Commission.
PENALTY: \$500.00
- 5(e) Disposing of any substance other than Black Water or Grey Water into any sewage Service Connection connected to the Sanitary Sewer System.
PENALTY: \$500.00
- 5(f) Turning, lifting, removing, raising or tampering with the cover of any manhole or other Appurtenance of the Sanitary Sewer System.
PENALTY: \$500.00
- 5(g) Cutting, breaking, connecting to or otherwise interfering with any part of the Sanitary Sewer System, except as authorized in writing by the Commission.
PENALTY: \$500.00
- 5(h) Interfering with the free discharge of the Sanitary Sewer System, or any part thereof, or doing any act or thing which may impede or obstruct the flow of substances within the Sanitary Sewer System.
PENALTY: \$500.00
11. Providing false information to the Commission, the Municipalities, an Authorized Person or to any other Person empowered to enforce the terms of this Bylaw.
PENALTY: \$500.00

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SCHEDULE "B"

AUTHORIZED PERSONS

1. For the purposes of this Bylaw, Authorized Persons shall include the positions of:
 - a. Maintenance Manager
 - b. Maintenance Operator