

## SUMMER VILLAGE OF SUNDANCE BEACH

### BYLAW #2016-02 – WASTEWATER BYLAW

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#### A BYLAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF THE REGULATION, MANAGEMENT AND MAINTENANCE OF PRIVATE WASTEWATER DISPOSAL SYSTEMS

**WHEREAS** section 7(a) of the *Municipal Government Act* provides that a council of a municipality may pass bylaws for the safety, health and welfare of people and the protection of people and property and section 542 authorizes municipal inspections and enforcement of Bylaws;

**AND WHEREAS** section 26(1) of the *Safety Codes Act* provides that municipalities may be designated as accredited municipalities, authorized to administer that Act with respect to processes or activities, and private wastewater disposal systems within municipal boundaries; and section 66(3)(b) provides that municipalities may adopt Bylaws respecting the carrying out of its powers and duties as an accredited municipality;

**AND WHEREAS** the *Summer Village* is designated as an accredited municipality and authorized to administer the *Safety Codes Act* with respect to, amongst other matters, private wastewater disposal systems within its municipal boundaries;

**AND WHEREAS** the *Summer Village* is authorized by the *Safety Codes Act* to adopt Bylaws respecting the carrying out of its powers and duties as an accredited municipality;

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

**AND WHEREAS** the Council of the *Summer Village* has adopted the *Uniform Quality Management Plan*;

**NOW THEREFORE** the Council of the *Summer Village* pursuant to the authority conferred upon it by the Province of Alberta enacts as follows:

#### 1. Name of Bylaw

- 1.1 This Bylaw shall be known as the "Wastewater By-law".

#### 2. Definitions

##### 2.1 In this Bylaw:

- (a) "Certified Maintenance Inspector" means a person who is the holder of a Private Sewage Certificate of Competency granted by Alberta Municipal Affairs and who has been approved by the *Summer Village*.
- (b) "Designated Officer" means a person who is appointed by the *Summer Village* or the Chief Administrative Officer of the *Summer 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 of the *Summer Village* or any *Enactment*.
- (c) "Enactment" means (i) any laws, regulations, orders or declarations of the Province of Alberta or any federal laws applicable therein, and (ii) any other bylaws of the *Summer Village*, together with, in each case, any amendments thereto or substitutions therefor.

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- (d) “*Holding Tank*” means a sewage tank buried underground that permits no Wastewater to escape until transferred for treatment offsite.
- (e) “*Inspection Report*” means an inspection report provided by a *Safety Codes Officer* in accordance with the *Uniform Quality Management Plan* adopted by the *Summer Village* or by a *Certified Maintenance Inspector* in accordance with this Bylaw.
- (f) “*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.
- (g) “*Owner*” means, with respect to a property located within the municipal boundaries of the Summer Village, (i) the registered owner of such property in the case of a property that is owned by a person or entity other than the Summer Village or the Sundance Beach Easement Holders Association, or, (ii) the holder(s) of the easement or the license of occupation applicable to such property in the case of a property that is owned by the Summer Village or Sundance Beach Easement Holders Association or that is a public utility lot or a road allowance.
- (h) “*Person*” includes an individual, corporation, partnership, association, or any other entity.
- (i) “*Private Wastewater Disposal System*” means (i) an on-site wastewater treatment systems as defined in the *Standard of Practice*, (ii) Septic Tanks and the associated *Treatment Fields*, (iii) *Holding Tanks*, and (iv) *Privies* or *Outhouses*.
- (j) “*Privy* or *Outhouse*” means a small building having a toilet pedestal, or bench with a hole or holes, through which human excrement falls into an excavated pit or waterproof vault.
- (k) “*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.
- (l) “*Safety Codes Officer*” means a person in the plumbing discipline holding Group B qualifications and “*Safety Code Council*” means the Council as defined in the *Safety Codes Act*.
- (m) “*Summer Village*” means the Summer Village of Sundance Beach.
- (n) “*Standard of Practice*” means the Alberta Private Sewage Systems Standard of Practice 2009 published by the *Safety Codes Council*, as amended or repealed and replaced from time to time.
- (o) “*Treatment Field*” means a system of *Wastewater* dispersal and treatment by distributing *Wastewater* within trenches containing void spaces that are covered with soil and includes a “*Treatment Field*” as further defined in the *Standard of Practice*.
- (p) “*Uniform Quality Management Plan*” means the Joint Uniform Quality Management Plan prepared by the *Safety Codes Council* and adopted by the *Summer Village*, as amended or repealed and replaced from time to time.
- (q) “*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 in the *Standard of Practice* but does not include liquid waste from industrial processes.
- (r) “*Wastewater Collection System*” means a piping system for collecting *Wastewater* operated by the *Summer Village* or a contractor selected by the *Summer Village*, either alone or in co-operation with other municipalities.

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#### 3. General

- 3.1 The purposes of this Bylaw are as follows:
- (a) to protect the safety and health of people and property by ensuring that existing and new *Private Wastewater Disposal Systems* located within the *Summer Village* treat *Wastewater* in a manner consistent with the objectives of the *Standard of Practice*;
  - (b) to protect the waters and the watershed of Pigeon Lake; and
  - (c) to anticipate and allow for the possible transition to a municipal or regional *Wastewater Collection System* within the *Summer Village* and surrounding area, if and when available, in an orderly and effective manner.
- 3.2 This Bylaw is applicable to all properties located within the municipal boundaries of the *Summer Village*.
- 3.3 All properties which are located within the municipal boundaries of the *Summer Village* and which are used for any purpose (including camping, recreational activities or living accommodation) must contain all *Wastewater* in a water tight *Holding Tank*.
- 3.4 All *Holding Tank* installations shall conform to the *Standard of Practice*.
- 3.5 All *Wastewater* pipes applicable to the buildings and other structures located on the applicable property shall be connected to a *Holding Tank*. The minimum capacity for a *Holding Tank* shall be 6,800 litres (1,500 gallons) unless a waiver or variance regarding the minimum capacity has been approved in writing by the *Designated Officer*.
- 3.6 Nothing in this Bylaw relieves any *Person* from complying with any *Enactment* or any requirements of any permit, order or license applicable within the municipal boundaries of the *Summer Village*.
- 3.7 Where any conflict exists between this Bylaw and any *Enactment*, the *Enactment* shall prevail to the extent necessary to eliminate the conflict.

#### 4. Inspections

- 4.1 All existing *Private Wastewater Disposal Systems* shall be inspected by a *Certified Maintenance Inspector* no later than September 30, 2016 or such other date as may be designated in writing by the Council of the *Summer Village*. Inspection costs will be borne by the *Owner* and, if unpaid, will form part of the property taxes payable by the *Owner* in respect of the immediately following taxation year.
- 4.2 Following the initial inspection pursuant to Section 4.1 hereof, all *Private Wastewater Disposal Systems* shall be inspected by a *Certified Maintenance Inspector* at least every 5 years.
- 4.3 All new and replacement *Private Wastewater Disposal Systems* shall be inspected by a *Safety Codes Officer* in accordance with the *Safety Codes Act* and the *Uniform Quality Management Plan* within 90 days following installation or replacement.
- 4.4 A *Safety Codes Officer*, upon having reasonable grounds for the belief that a violation of this Bylaw may exist, may order the inspection of any *Private Wastewater Disposal System* at any reasonable time upon providing the applicable *Owner* with reasonable notice of the intent to conduct such inspection.

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- 4.5 Following an inspection pursuant to this Bylaw, the *Safety Codes Officer* or the *Certified Maintenance Inspector* shall issue an *Inspection Report* to the *Owner* and to the *Summer Village*. The *Inspection Report* issued shall be in a form (if any) approved by the *Summer Village* and shall otherwise comply with this Bylaw.
- 4.6 If the *Inspection Report* indicates any failure of the *Private Wastewater Disposal System* to comply with the *Standard of Practice*, then, subject to Section 4.7 hereof, 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 any 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* so that it complies with the *Standard of Practice*; or
  - (c) in the case of a *Private Wastewater Disposal System* that uses a *Treatment Field* which does not comply with the *Standard of Practice*, replace the *Treatment Field* with a *Holding Tank* that complies with the *Standard of Practice* and, upon such replacement, the *Owner* shall have the *Private Wastewater Disposal System* re-inspected by a *Safety Codes Officer* or, in the discretion of a *Safety Codes Officer*, have it re-inspected by a *Certified Maintenance Inspector*.
- 4.7 If a *Private Wastewater Disposal System* does not comply with the *Standard of Practice* but a *Safety Codes Officer* determines that the deficiencies do not compromise the protection of the safety and health of people and property or the waters and the watershed of Pigeon Lake, then the *Safety Codes Officer* may approve a variance in accordance with the *Safety Codes Act*.
- 4.8 If the *Standard of Practice* does not apply to any given *Private Wastewater Disposal System* within the *Summer Village* as a result of any *Enactment*, or for any other reason, then such *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 shall be a standard acceptable to an administrator of the *Safety Codes Act* instead of the applicable *Standard of Practice*.
- 4.9 In the event of a mandated removal, repair or replacement pursuant to Section 4.6 hereof, 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 such extension of time for the removal, repair or replacement as may be appropriate in the circumstances, bearing in mind the purposes of this Bylaw and:
- (a) the nature and extent of the non-compliance;
  - (b) health and safety concerns; and

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(c) environmental concerns.

#### 5. Treatment Fields, Privies or Outhouses, and Alternative Private Wastewater Disposal Systems

- 5.1 *Treatment Fields* shall not be permitted within the municipal boundaries of the *Summer Village*.
- 5.2 All existing *Privies or Outhouses* must be equipped with water-tight *Holding Tanks* and must be constructed to comply with the *Standard of Practice* and any bylaw of the *Summer Village* regarding required setback from property lines.
- 5.3 An *alternative Private Wastewater Disposal System*, such as a *chemical toilet* and an incinerating toilet, may be used in the *Summer Village* provided that the contents thereof are disposed of in a manner acceptable to Alberta Environment and any applicable *Enactment*.

#### 6. Development and Improvements

- 6.1 *Holding Tank* installations and modifications to existing *Private Wastewater Disposal Systems* shall not commence until all required permits, including a *Development Permit*, have been obtained by the *Owner*.
- 6.2 *Holding Tanks* and modifications to existing *Private Wastewater Disposal Systems* must be *inspected by a Safety Codes Officer* after they have been installed or modified but before they are covered with soil.

#### 7. Severability

- 7.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provisions of this Bylaw are declared invalid all other provisions shall remain valid and enforceable.

#### 8. Enforcement

- 8.1 If a *Certified Maintenance Inspector* identifies any failure to comply with the *Standard of Practice* for *Private Wastewater Disposal System* or any unsafe conditions applicable to a *Private Wastewater Disposal System*, then the *Certified Maintenance Inspector* shall notify a *Safety Codes Officer* and the *Summer Village* immediately.
- 8.2 If a *Safety Codes Officer* or the *Summer Village* believes, on reasonable grounds, that a *Person* has committed an offence pursuant to this Bylaw or the *Safety Codes Act* or any *Enactment*, then the *Safety Codes Officer* or the *Summer Village*, as applicable, may commence proceedings against that *Person*.
- 8.3 No *Owner* shall willfully discharge *Wastewater* on its property or on any other property located within the municipal boundaries of the *Summer Village* unless such discharge has been approved or permitted by a *Designated Officer* or the Chief Administrative Officer of the *Summer Village* on the basis that such discharge will not compromise the protection of the safety and health of people and property or the waters and the watershed of Pigeon Lake.
- 8.4 Any *Person* who contravenes this Bylaw is guilty of an offence and is liable to pay (a) a fine as determined in accordance with Schedule A attached hereto, and (b) all damages, costs and expenses resulting from such contravention including, without limitation, repair costs and remediation costs. Such fines, damages, costs and expenses, if unpaid,

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shall form part of the property taxes payable by the applicable *Owner* in respect of the immediately following taxation year.

- 8.5 If any *Owner* fails to comply with this Bylaw and such failure is not remedied within the applicable time period, then the *Summer Village* may, in its sole discretion, take all necessary actions to remedy such failure on behalf of such *Owner* and all costs and expenses incurred by the *Summer Village* in respect thereof shall be payable by such *Owner* to the *Summer Village* immediately upon demand. Such costs and expenses, if unpaid, shall form part of the property taxes payable by such *Owner* in respect of the immediately following taxation year.
- 8.6 Nothing in this Bylaw diminishes or in any way affects the provisions of the *Municipal Government Act* relating to offences and penalties or the rights of the *Summer Village* pursuant to the *Municipal Government Act* or at common law to seek an entry order, order for compliance, injunction or any other order to obtain compliance with this Bylaw. Nothing in this Bylaw diminishes or in any way affects the provisions of the *Safety Codes Act* relating to offences or penalties and/or the obligations imposed by the *Safety Codes Act* relating to the reporting of accidents or unsafe conditions.
- 8.7 The levying and payment of any fine for any period pursuant to this Bylaw does not relieve any *Person* from paying any fees, charges, or costs for which that *Person* is liable under the provisions of this Bylaw or any *Enactment*.

This Bylaw shall replace Bylaw P17 and Bylaw P17 is hereby repealed.

**Effective Date**

This Bylaw comes into effect on the date of the third reading.

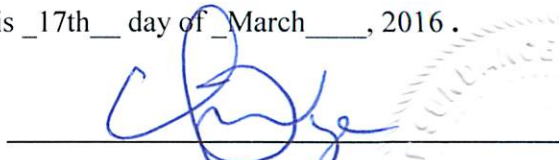
READ a first time this   17th   day of  March , 2016.

READ a second time this  17th  day of  March , 2016.

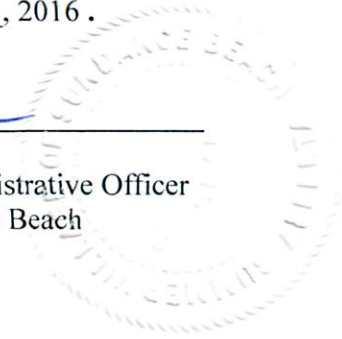
READ a third time and finally passed this  17th  day of  March , 2016 .



Peter Pellatt, Mayor  
Summer Village of Sundance Beach



Harold Wynne, Chief Administrative Officer  
Summer Village of Sundance Beach



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**SCHEDULE A - FINES**

1. If a *Safety Codes Officer* or the *Summer Village* believes that a *Person* has committed an offence pursuant to this Bylaw or the *Safety Codes Act* or any *Enactment*, the *Safety Codes Officer* or the *Summer Village* may commence proceedings against that *Person* by:
  - (a) Issuing an order pursuant to the *Safety Codes Act*;
  - (b) Issuing an order pursuant to the *Municipal Government Act*;
  - (c) Issuing a violation ticket pursuant to the Provincial Offences Procedures Act in respect of the offence and also for any recurring offences within 60 day intervals; or
  - (d) Laying an information in lieu of issuing a violation ticket pursuant to the Provincial Offences Procedures Act.
2. A *Person* who commits an offence pursuant to this Bylaw shall be subject to a fine of:  
\$1,000 for the first offence  
\$2,000 for the second and any subsequent offence.