

**MUNICIPALITY OF CROWSNEST PASS**

**BY-LAW NO. 561, 2001**

**A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ABERTA RESPECTING A SEWERAGE SERVICE CHARGE AND REGULATING THE DISPOSAL OF SEWAGE AND THE DISCHARGE OF LIQUIDS AND WASTE INTO THE MUNICIPAL SEWERAGE SYSTEM.**

**WHEREAS** Section 187 of the Municipal Government Act, R.S.A. 1994, Chapter M-26.1 with amendments thereto, provides that a council, subject to the provisions of the Public Health Act and any regulation thereunder, may pass Bylaws charging to all persons occupying property connected with the sewerage system of the Municipality of Crowsnest Pass a service charge to be determined by the Council in such manner, as it considers equitable, having regard to the Municipality's portion of the cost of the sewerage system and to the cost of treatment and disposal of sewage and the services respectively rendered with respect to such properties;

**AND WHEREAS** the Municipality has constructed primary and secondary sewage treatment plant facilities;

**AND WHEREAS** it is deemed just and proper to levy a sewerage service charge on all persons occupying property connected with the sewerage system of the Municipality to assist with the cost of constructing and maintaining the system including the cost of treatment and disposal of sewage;

**NOW THEREFORE, THE COUNCIL OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED ENACTS AS FOLLOWS:**

1. This by-law may be cited as The Sewerage Service Charge By-Law.

**DEFINITIONS**

2. Unless the context specifically indicates otherwise, the meaning used in this By-Law shall be as follows:
  - (a) **"C.A.O."** means Chief Administrative Officer of the Municipality appointed by the Municipal Council and includes any person authorized by him or Council to act for or carry out duties of the Administrator to the extent that authorization is given.
  - (b) **"Domestic Consumer"** means the owner or occupier of a one or two suite apartment.
  - (c) **"mg/l"** means milligrams per liter.
  - (d) **"Municipality"** means the corporation of the Municipality of Crowsnest Pass or the area contained within the boundaries thereof as the context requires.
  - (e) **"Owner"** shall mean the registered owner of a property or the purchaser thereof who is entitled to occupy and enjoy the property.
  - (f) **"Person"** shall mean any individual, firm, company, association, society, corporation or group
  - (g) **"Plumbing Inspector"** means the Plumbing Inspector of the Municipality or his authorized deputy, agent or representative.

**DEFINITIONS – cont'd**

- (h) **"Sewage"** means any waste discharged, or permitted to flow from residences, business buildings, institutions and industrial establishments.
  - (i) **"Sewer"** means an artificial, usually subterranean, conduit to carry off water and certain waste matter as: (1) surface water due to rainfall; (2) household waste, as slops, waste water from sinks, baths, **etc.**, and excreta consisting of urine and faeces; (3) waste water from industrial works.
  - (j) **"Sewerage System"** means the system of sanitary sewers in the Municipality, the sanitary sewage lift stations, and the sewage treatment plant or plants.
  - (k) **"Standard Methods for the Examination of Water and Waste Water"**, shall mean those methods as described in the latest edition of "Standard Methods for the Examination of Water and Waste Water" as published by the American Public Health Association, Inc.
  - (l) **"Director of Finance"** -means the Director of Finance and Systems of the Municipality of Crowsnest Pass.
  - (m) **"Water Service By-Law"** means Bylaw No. 560, 2001 of the Municipality of Crowsnest Pass and amendments thereto and any By-Law passed in substitution of the said By-Law.
3. A person occupying property connected with the municipal sewerage system shall pay to the Municipality a sewerage service charge

**TESTING OF EFFLUENT**

4. (a) The Municipality may direct to any consumer connected or about to connect to the Municipal sewerage system that the characteristics of such consumer's sewage effluent being discharged into the system be tested.
- (b) The testing of the characteristics of the sewage shall be done by sampling and an analysis of the sewage effluent composed of a minimum of three (3) days of composite sampling during a period of three calendar months (quarterly). When more than three samples are taken and analyzed the maximum resulting characteristics of the three highest daily results shall determine the consumer's sewage characteristics.

**INTERCEPTORS**

5. Grease, oil and sand interceptors shall be provided on private property for all garages, gasoline service stations and vehicle and equipment washing establishments. Interceptors will be required for other types of business when in the opinion of the Plumbing Inspector they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable wastes, sand, other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Plumbing Inspector and shall be so located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the occupant at his expense in continuously efficient operation at all times.

**BLOCKAGE**

6. In case any blockage, either wholly or in part, of said sewerage system is caused by reason of failure, omission or neglect to comply strictly with the fore-going provisions the owner, proprietor or occupier concerned therein shall, in addition to any penalty for infraction of the provisions hereof, be liable to the Municipality for all costs of clearing such blockage and for any other amount for which the Municipality may be held legally liable because of such blockage.

**INSPECTIONS**

7. The Plumbing Inspector and other duly authorized employee of the Municipality bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this by-law. If such inspection discloses any failure, omission or neglect to clean out sumps, or discloses any defect in the location, construction, design or maintenance of any of the sewer system or any connection there from the Municipal system, the person making such inspection shall in writing notify the said owner, proprietor or occupier to rectify the cause of complaint.

**DISPUTE**

8. In case of any dispute as to the proper charges to which any person is subject by reason of the provisions herein contained, the matter shall first be referred to the C.A.O., and where the dispute is not settled to the satisfaction of the complainant, such complainant may refer the matter to the Municipal Council. Final appeal may then be made in the manner provided in The Public Utilities Board Act of the Province of Alberta.

**CONNECTING TO SANITARY SEWER**

9. (a) The owner of every house, building or property used for human occupancy, employment, recreation or other purpose, situated within the Municipality and abutting on any highway, or right-of-way in which there is now or hereafter located a sanitary sewer of the Municipality, is hereby required at his expense to install suitable sewage waste disposal facilities therein and to connect such facilities directly with the proper sanitary sewerage system of the Municipality in accordance with the provisions of the Municipal Plumbing Bylaw within sixty days after the date of notice from the Health Officer to do so.  
  
(b) Except as permitted by this Bylaw or the regulations of the Provincial Board of Health, no person shall construct or maintain any privy, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the Municipality.

**EXPENSES FOR TAPPING OF SEWER MAIN**

10. (a) All expenses incidental to the tapping of the Municipal sewer main and laying the sanitary sewer from the main to the street line will be borne by the Municipality with the exception to terms of a Development Agreement.  
  
(b) The Municipality shall be responsible for the maintenance of the sanitary sewer main and the connection from the main to the property line with the exception to terms of a Development Agreement.  
  
(c) The expense incidental to the laying, connecting, disconnecting or repairing of a sanitary sewer when such work is done by the Municipality beyond the outer limit of the street or the expense of superintending such work when it is done by any other person, is payable by the owner on demand of the Municipality, and if not paid may be collected forthwith in the same manner as sewerage rates.

### **LIABLE FOR DAMAGES**

11. The Municipality is not liable for damages:
- (a) Caused by the breaking, plugging or stoppage of any sanitary sewer main or storm sewer main;
  - (b) Caused by the interference with the supply of any water service or sewer necessary in connection with the repair or proper maintenance of sewers;
  - (c) generally for any accident due to the operation of the sewerage disposal system of the Municipality;

unless such accident is shown to be directly due to the negligence of the Municipality or its employees.

### **ACCOUNTS**

12. (a) Accounts for domestic and commercial sewerage service shall be forwarded bi-monthly to the owner or occupier of property connected to the Municipality's sewerage system, and shall be payable at the office of the Director of Finance and such other places as may be designated by him.
- (b) Accounts shall be deemed to be sufficiently forwarded if they are mailed by ordinary mail to the owner or occupier at the municipal address of the property.
- (c) Where conditions exist which require the application of a different rate, such rate will apply from the date that written notification is received by the Plumbing Inspector from the customer.

### **UTILITY CONTRACTS**

13. Upon the request of an owner or occupant or other person in charge of a building for the provision of a utility service, the Council considers it advisable to enter into a utilities contract with only the owner or purchaser of a building, or lot or part of a lot.
14. If the Occupant to whom the public utility has been supplied is a person other than the owner or purchaser, the non-owner occupant shall issue a payment of charges in the amount of ONE HUNDRED (\$100.00) DOLLARS and the occupant may undertake to pay the prevailing rates for the said utility services provided that the Owner requests same and with the condition that should the Occupant default in payment, the Owner or purchaser shall be responsible for payment to the Municipality of the amounts in default.
15. A penalty of two percent (2%) shall be added to all amounts not paid by the due date stated on the utilities invoice.
16. Whereas the Owner or purchaser of a building or lot or part of a lot shall contract with the Municipality with respect to a utility service then the sum payable by him for the public utility supplied by the Municipality to him and all rates, costs or charges imposed are a preferential lien and charge on the building or lot or part of a lot and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable.

### **ENFORCEMENT OF PAYMENT**

17. The payment of any rates, charges, tolls, fares, or rents as provided by this By-law may be enforced by all or any of the following methods, namely:
- (a) By action in any court of competent jurisdiction
  - (b) By shutting off the water service
  - (c) By distress and sale of the goods and chattels of any persons owing such rates, charges, tolls fares or rents wherever the same may be found in the Municipality

### **LIEN ON PROPERTY**

18. (a) Where the person is the owner or purchaser of a building lot or part of a lot served by the Municipality's sewerage system, the sum payable by him for the sewerage service supplied by the Municipality to him or for his use, and all rates, costs and charges or loans made to him imposed under this by-law are a preferential lien and charge on the building, lot or part of a lot, and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes recoverable.
- (b) Where the person to whom the sewerage service has been supplied is a person other than the owner or purchaser of the building, lot or part of a lot, the sum payable by the person is a debt due by him and shall be a preferential lien and charge on his personal property and may be levied and collected with costs by distress.

### **ARREARS**

19. (a) In the event of the rate or rent remaining uncollected and unpaid and continuing a lien upon the said building or lot or part of a lot as aforesaid, the Director of Finance shall make a return showing the amount of the rate or rent in arrears, together with all costs and charges in connection therewith.
- (b) The return shall be made by the Director of Finance to the Municipality of Crowsnest Pass at least on or before the 31st day of December in every year
- (c) The rate or rent together with interest thereon at a rate of ten (10%) per cent per annum shall be collected by the Director of Finance by the sale of land and premises in the same manner and subject to the same provisions as in the case of a sale of land for the arrears of municipal taxes.
- (d) Any sewerage expenses, rates or rents that may be charged as taxes against a person may be entered on the assessment and tax roll at any time.

### **VIOLATIONS**

20. Any person who violates any provision of this By-Law or any order made thereunder shall be liable upon conviction before any Justice or Magistrate to a penalty not exceeding Five Hundred (\$500.00) Dollars, exclusive of costs for each contravention of this by-law.

Bylaw No. 59, 1980 and amendments thereto are hereby repealed:

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

Read a third and final time, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

BY-LAW NO.561, 2001

**SCHEDULE "A" FEES**

The fees for Sewer Services shall be **SEVENTY (70%) PERCENT** of the fee charged for Water Services.