

SUMMER VILLAGE OF NORRIS BEACH

BYLAW NO. 123

**A BYLAW FOR THE PURPOSE OF REGULATING THE
MANAGEMENT AND MAINTENANCE OF PRIVATE SEWAGE
DISPOSAL SYSTEMS IN THE SUMMER VILLAGE OF NORRIS
BEACH**

**MANAGEMENT AND MAINTENANCE OF ONSITE
WASTEWATER SYSTEMS BYLAW**

WHEREAS 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 WHEREAS the *Safety Codes Act* provides that municipalities may be designated as accredited municipalities and as such are authorized to administer all or part of that Act with respect to any and all things, processes or activities to which that Act applies within the boundaries of the municipalities;

AND WHEREAS the Summer Village of Norris Beach is designated as an accredited municipality and authorized to administer the *Safety Codes Act* with respect to, amongst other matters, *Private Sewage Disposal Systems* within its boundaries;

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

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

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

Name of Bylaw

1. This Bylaw shall be known as "The Private Sewage Disposal System Bylaw".

Purposes of the Bylaw

2. The purposes of this Bylaw are to:
 - a. Protect the safety, health and welfare of people and property by ensuring that *Private Sewage Disposal Systems* are safely and appropriately maintained and operated;
 - b. Ensure *Private Sewage Disposal Systems* treat *Wastewater* in a manner consistent with the objectives of the *Standard of Practice*; and
 - c. Begin the transition to a *Wastewater Collection System* within the *Village*.

Interpretation

3. In this Bylaw:
 - a. *Certified 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 Sewage Disposal System* component.
 - d. *Enactment* means any Federal or Provincial laws or regulation, any other bylaw of the *Village*, and any amendments or substitutions thereto.
 - 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 a *Safety Codes Officer* in accordance with the Uniform Quality Management Plan adopted by the *Village Council* or by a *Certified 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 and amendments thereto.
 - h. *Owner* means the registered owner, occupant, or person responsible for a lot within the municipal boundaries.

- i. *Person* includes an individual, corporation, partnership, association, or any other legal entity.
- j. *Private Sewage Disposal System* means a plant for the treatment and disposal of *Wastewater*, including a septic tank and absorption field, that is not connected to a municipal sewage 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 and amendments thereto.
- l. *Privy* 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.
- 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 and amendments thereto.
- 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 and amendments thereto.
- 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 2009 published by the Safety Codes Council as amended or repealed and replaced from time to time and amendments thereto.
- 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. *Uniform Quality Management Plan* means the Joint Uniform Quality Management Plan prepared by the Safety Codes Council and adopted by the *Village* as amended or repealed and replaced from time to time and amendments thereto.
- s. *Village* means the Summer Village of Norris 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" as defined in the *Standard of Practice* but does not include liquid waste from industrial processes.
 - u. *Wastewater Collection System* means a piping system for collecting *Wastewater* operated by the *Village* or a contractor selected by the *Village*, either alone or in cooperation with other municipalities.
- 4. Nothing in this Bylaw relieves any *Person* from complying with any *Enactment* or any requirements of any permit, order or license.
 - 5. Where any conflict exists between this Bylaw and any Provincial or Federal law or regulation, the law or regulation prevails.
 - 6. Where this Bylaw uses the masculine or singular version, this includes the feminine or plural and vice versa.

Inspections

- 7. All new *Private Sewage Disposal Systems* must be inspected by a *Safety Codes Officer* in accordance with the *Uniform Quality Management Plan*.
- 8. All existing *Private Sewage Disposal Systems* that include *Treatment Fields* and *Privies* must be inspected by a *Certified Maintenance Inspector* prior to December 31, 2011.
- 9. All existing *Private Sewage Disposal Systems* that include *Holding Tanks* must be inspected by a *Certified Maintenance Inspector* as follows:
 - a. If the *Holding Tank* is 25 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 prior to December 31, 2011.
 - b. If the *Holding Tank* is between 10 and 25 years of age as of the date of this Bylaw, the *Private Sewage Disposal System* must be inspected prior to December 31, 2011.
 - c. 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 prior to the 10th anniversary of the installation of the *Holding Tank*.

10. Following inspection pursuant to clauses 7, 8, or 9 of this Bylaw, all *Private Sewage Disposal Systems* that do not include *Treatment Fields* or *Privies* must be inspected by a *Certified Maintenance Inspector* at least every 10 years. All *Private Sewage Disposal Systems* that include *Treatment Fields* or *Privies* must be inspected by a *Certified Maintenance Inspector* at least every 5 years.
11. Following an inspection pursuant to clauses 7, 8, 9 or 10 of this Bylaw, the *Safety Codes Officer* or *Certified Maintenance Inspector* shall issue an *Inspection Report* to the *Owner* and to the *Village*.
12. If the *Inspection Report* issued pursuant to clause 11 herein indicates any failure to comply with the *Standard of Practice*, then subject to clause 13 herein, the *Owner* must, within 90 days of the date of issue of the *Inspection Report*:
 - a. Remove the *Private Sewage Disposal System* in a manner that will not cause any contamination or create an unsafe condition;
 - b. Repair the *Private Sewage Disposal System* to comply with the *Standard of Practice*; or
 - c. In the case of a *Private Sewage Disposal System* that uses a *Treatment Field* in which the *Treatment Field* does not comply with the *Standard of Practice*, replace the *Treatment Field* with a *Holding Tank* that complies with the *Standard of Practice*,and have the *Private Sewage Disposal System* re-inspected by a *Safety Codes Officer* or, at the discretion of a *Safety Codes Officer*, have it re-inspected by a *Certified Maintenance Inspector*.
13. If a *Private Sewage Disposal System* does not comply with the *Standard of Practice* 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*.
14. If the *Standard of Practice* does not apply to any *Private Sewage Disposal Systems* within the *Village* as a result of any *Enactment*, the *Private Sewage Disposal System* must still be inspected in accordance with this Bylaw, however the applicable standard to which it will be held is a standard acceptable to an administrator of the *Safety Codes Act* instead of the *Standard of Practice*.

Privies and Alternative Private Sewage Systems

15. No new *Privy* or *Treatment Field* shall be constructed within the *Village*.
16. All existing *Privies* must be equipped with water-tight *Holding Tanks*.

17. The product of alternative 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.

Future Development and Improvements

18. All new developments must install a *Holding Tank*.
19. All *Wastewater* producing parcels within the *Village* must connect to a *Wastewater Collection System* within one year of such system being provided. All *Privies* and *Treatment Fields* must be removed from service upon the parcel they service being connected to a *Wastewater Collection System*.

Severability

20. 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.

Enforcement

21. If a *Certified Maintenance Inspector* identifies any failure to comply with the *Standard of Practice* or in the case of *Private Sewage Disposal Systems* to which clause 14 applies, a standard acceptable to an administrator of the *Safety Codes Act*, or any unsafe conditions, the *Certified Maintenance Inspector* must notify a *Safety Codes Officer* immediately.
22. If a *Designated Officer* or a *Safety Codes Officer* believes that a *Person* has committed an offence pursuant to this Bylaw or the *Safety Codes Act* or any regulation thereunder, the *Designated Officer* or *Safety Codes Officer* may commence proceedings against that *Person* by:

Issuing an order pursuant to the *Safety Codes Act*;

Issuing an order pursuant to the *Municipal Government Act*;

Issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*; or

Laying an information in lieu of issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*.

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 *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.

The levying and payment of any fine or imprisonment 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, any other Bylaw or any *Enactment*.

Nothing in this Bylaw diminishes or in any way affects the obligations imposed by the *Safety Codes Act* relating to the reporting of accidents or unsafe conditions.

Effective Date

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

READ a first time this 10th day of June, 2010.

READ a second time this 10th day of June, 2010.

Given unanimous consent to proceed to third reading this 10th day of June, 2010.

READ a third time and finally passed this 10th day of June, 2010.



Handwritten signature of Brian Keeler in black ink.

Brian Keeler, Mayor
Summer Village of Norris Beach

Handwritten signature of Sylvia Roy in black ink.

Sylvia Roy, Chief Administrative Officer
Summer Village of Norris Beach