

(OFFICE CONSOLIDATION OF)

**BYLAW 01-2012 (Wastewater and Storm Water Bylaw) &
BYLAW 04-2012 (Wastewater and Storm Water Bylaw Amendment # 1)**

***BEING A BYLAW OF THE TOWN OF BOWDEN TO REGULATE THE USEAGE OF
WASTEWATER AND STORM WATER MANAGEMENT SYSTEMS***

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**TOWN OF BOWDEN
PROVINCE OF ALBERTA**

**(Wastewater and Storm Water Bylaw)
BEING A BYLAW OF THE TOWN OF BOWDEN TO REGULATE THE USEAGE OF
WASTEWATER AND STORM WATER MANAGEMENT SYSTEMS**

WHEREAS the Town of Bowden deems it expedient to regulate wastewater services within the Town of Bowden,

NOW THEREFORE, under the Authority of the Municipal Government Act, being Chapter M-26 of the revised Statutes of Alberta, 2000 and amendments thereto, Council of the Town of Bowden, duly assembled, enact as follows:

1. TITLE

1.1. This Bylaw shall be known as the Wastewater and Storm Water Bylaw.

2. DEFINITIONS

2.1. Throughout this bylaw unless otherwise stated, the following definitions shall apply:

- a) "Ash" shall mean the residue left after the combustion of any matter.
- b) "Authorized person(s)" shall mean any person(s) employed or contracted by the Town.
- c) "Building" shall mean any structure used or intended for supporting or sheltering any use of occupancy.
- d) "Building Unit" shall mean any portion of a multi unit structure intended or used for individual occupancy.
- e) "CAO" shall mean the Chief Administrative Officer as appointed by Council or authorized person(s) as delegated by the CAO.
- f) "Contracts" shall mean agreements written or implied.
- g) "Council" shall mean the duly elected municipal officials of the Town of Bowden as defined in the Municipal Government Act.
- h) "Easement Area" shall mean that area encompassed in a utility right away or

municipal easement as registered with Alberta Land Titles.

- i) "Interceptor" shall mean a device approved by the CAO and designed to prevent oil, grease, sand or other matter from passing from the source into the Wastewater system.
- j) "Land Owner" shall mean the owner of a parcel of land as registered with Alberta Land Titles.
- k) "Matter" shall mean any solid, liquid or gas.
- l) "Property" shall mean a parcel of land as registered with Alberta Land Titles.
- m) "Discharge" shall mean to directly or indirectly discharge or otherwise dispose of.
- n) "Storm Water System" shall mean any of the Municipality's infrastructure used primarily for the collection of water that is released or drained from a surface as a result of natural precipitation or water to which no matter has been added as a consequence of its use by any person.
- o) "Town" shall mean the Town of Bowden as defined in the Municipal Government Act.
- p) "Wastewater Main" shall mean that portion of the sewer system laid down in Town owned property or easement area for the purpose of servicing more than one person.
- q) "Wastewater Service Line" shall mean the wastewater line from the wastewater main to the property being serviced.
- r) "Wastewater" shall mean any water that is used by residential, commercial or industrial activity and, because of that, may now contain waste products.
- s) "Wastewater System" shall mean the Municipality's infrastructure for the transmission, storage, or any part of such system for the purpose of wastewater.

3. DESIGNATION OF AUTHORITY

3.1. The Council of the Town of Bowden hereby delegates to the CAO the authority to do all things necessary in order to fulfill the responsibilities and duties under the Municipal Government Act, Provincial and Federal Statutes and Regulations, this bylaw and municipal policies.

3.2. The CAO is hereby empowered to provide for:

- a) the establishment of standards, guidelines and specifications for the design, construction and maintenance of the wastewater and storm water systems.
- b) the general installation, maintenance and management of the wastewater and storm water system.

- c) the general conduct and management of authorized persons.
 - d) the billing and collecting of fees related to the wastewater system.
- 3.3. For the purposes of administering or enforcing the provisions of the Bylaw the CAO may delegate their powers to one or more employees of the Town and the said employee shall be deemed to be authorized agents of the CAO.
- 3.4. Any land owner or person who considers to be aggrieved by a decision of the CAO with respect to the provisions of this bylaw may appeal the decision to Council.
- a) An appeal shall be made in writing within thirty (30) days of receipt of the CAO's decision.
 - b) This appeal shall be delivered to municipal office of the Town.
 - c) Council shall render a decision within thirty (30) days of receipt of an appeal.
 - d) The Council's decision respecting an appeal shall be final and binding.

4. CONTRACTS

- 4.1. This Bylaw shall form part of every contract between the Town and a Land Owner for usage of wastewater management services.

5. SERVICES

- 5.1. Each property shall be provided with wastewater service subject to any terms, cost or charges established by Council.
- 5.2. All properties that generate sewage shall be connected to the Town's wastewater system except where exempted by the Municipal Planning Commission in the Development Permit application process. Such exemption may be allowed for the following reasons:
- a) the location of the property in relation to an existing wastewater main is such that the extension of the main is precluded because of excessive cost or engineering difficulty; or
 - b) the sewer main adjacent to the property is of insufficient size of capacity to handle the proposed effluent and enlarging of the main is deemed excessive in cost.

6. CONNECTIONS

- 6.1. No person, without having first obtained permission to do so, shall make connection to any municipal wastewater or storm water system.

- 6.2. Applicants shall be responsible for any repairs to streets, curbs and sidewalks which are damaged while making such connections and may be required to leave a deposit until said repairs are completed to the satisfaction of the Town.
- 6.3. The applicant shall also provide safety provisions as per all applicable provincial and federal legislation during said construction. Permission will be given only to licensed installers or authorized employees of the Town.

7. STANDARDS

- 7.1. All wastewater service lines, laid in non-municipal property shall be CSA approved material and of equal or better quality to the service line in the street between the main and the property line.
 - a) Connection shall commence from the property line towards the building for proper grade level as per all applicable provincial and federal legislation and shall meet all applicable provincial and federal regulations and statutes.
 - b) No person shall backfill any service until the service has been inspected and approved by the CAO.
 - c) All wastewater service lines should be equipped with a backflow prevention device at the Land Owner's expense.
 - d) All new residential construction shall install a basement sump pump.

8. OWNERSHIP

- 8.1. The Town is the owner of the wastewater service line from the wastewater main to the property line.
- 8.2. Wastewater service lines after the property line shall be owned by the Land Owner.
- 8.3. Without limiting the foregoing, as a condition of receiving wastewater management services from the Town, the Land Owner shall maintain in a state of good repair, with sufficient protection from freezing, free from leakage to the satisfaction of the CAO, any wastewater service line or wastewater system through which the discharge of wastewater is conveyed to the Town wastewater system.

9. FAILURE TO MAINTAIN, REPAIR OR REPLACE

- 9.1. If the Land Owner fails or refuses to maintain, repair or replace a wastewater service line or wastewater system in a timely fashion as required by Section 8.3, the CAO may refuse to supply municipal water services until satisfactory evidence that the necessary repairs have been made is received.

10. RELOCATION OR REPLACEMENT OF WASTEWATER SERVICE LINE

- 10.1. Any Land Owner who wishes to have an existing wastewater service line replaced with a different size or relocated to a different location shall apply to the CAO in writing for approval. The CAO may authorize the work, subject to payment in advance, of the cost of the project as determined by the CAO.

11. DISCONTINUATION OF USE

- 11.1. All Land Owners who are receiving municipal water services shall not be permitted to apply to discontinue or abandon municipal wastewater services without also applying to discontinue or abandon municipal water services.
- 11.2. Where the Land Owner discontinues or abandons the use of a wastewater service connection to his property, he shall first notify the Town in writing requesting the Town to disconnect the wastewater service connection from the wastewater system. Upon receipt of this request by the Town, the Land Owner shall make payment in advance for the cost of the disconnection as determined by the CAO.

12. GENERAL PROVISIONS GOVERNING THE USE OF WASTEWATER SERVICES

- 12.1. The Town may operate a wastewater collection and disposal system for the purpose of collecting, treating and disposing of sewage produced by any person within the town.
- 12.2. The Council may by resolution enter into agreement with other Municipalities, commissions, private corporations or citizens for the wastewater services beyond the corporate limits of the town, adopting such provisions, regulations or rates as may be deemed appropriate.
- 12.3. The Council may authorize the construction, replacement or upgrading of the sewage disposal system with funding for such projects obtained from whatever source may be appropriate.
- 12.4. With the exception of persons approved by the CAO, no person shall discharge into any Town wastewater main, trap, basin, grating, manhole, or other infrastructure any matter of any kind.
- 12.5. No person shall discharge into any wastewater system any liquid or liquids that would prejudicially affect the wastewater system, including, but not limited to condensing water, heated water, or other liquids of a temperature higher than eighty degrees (80) Celsius.
- 12.6. No person shall make or cause to be made any connection with any Town wastewater system, or house drain, or yard drain, or infrastructure thereof for the purpose of conveying, or which may convey, into the Town wastewater system any:
 - a) inflammable or explosive material,

- b) storm or surface water collected by drainage in weeping tile, eaves troughs or down spouts,
 - c) contents of any privy vault, manure pit or cesspool.
- 12.7. No person shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator or other infrastructure of any Town wastewater system, except where authorized by the CAO.
- 12.8. No person shall cut, break, pierce or tap any Town wastewater system or infrastructure or introduce any pipe, tube trough or conduit into any Town wastewater system.
- 12.9. No person shall interfere with the free discharge of any Town wastewater system or part thereof, or do any act or thing that may impede or obstruct the flow and clog up any Town wastewater system or infrastructure.
- 12.10. The CAO may upon reasonable notice and at reasonable times enter buildings or other places which have been connected with Town wastewater, and facilities to ascertain whether or not any improper material or liquid is being discharged in wastewater systems, and the CAO shall have the power to use any test or other means necessary to determine compliance with this bylaw and to stop or prevent the discharge of any substances that are liable to injure the wastewater system or obstruct the flow of wastewater.
- 12.11. No waste or discharge resulting from any trade, industrial or manufacturing process, shall be directly discharged into any Town wastewater system without such previous treatment as shall be prescribed by the CAO for each case.
- 12.12. The necessary treatment works so prescribed by the CAO shall be completely installed by the Land Owner at their expense, prior to the construction of the wastewater system connection and thereafter shall be continuously maintained and operated by the Land Owner or occupant.
- 12.13. Grease traps of sufficient size and approved design shall be placed on the waste pipes from all hotels, restaurants, laundries and such other places as the CAO may direct. The land owner or occupant will be responsible for the maintenance of the grease traps.
- 12.14. Sumps of sufficient size and approved design shall be placed on the waste pipes from all car washes and any other buildings that may cause excess dirt and debris to pass in the wastewater system.

13. DISCHARGES INTO WASTEWATER SYSTEM

- 13.1. No person shall without the prior written approval from the CAO, discharge or deposit the following matter into the wastewater system,
- a) matter which because of its type, temperature, quality or quantity, may be or may become a health or safety hazard to any person or which may be or may become harmful to a wastewater system or the operation thereof, or which may cause the wastewater system's effluent or operation to negatively impact

- or contravene any Federal, Provincial, Municipal or Regional Commission conveyance or agreements, including an approval, requirement, direction or other order issued by Alberta Environment or other enforcing agency, with respect to the wastewater system or its discharge;
- b) matter that may cause an offensive odor to emanate from a wastewater system;
 - c) subsurface drainage, including weeping tile drainage;
 - d) water that has originated from a source separate from the water system of the Town;
 - e) hauled sewage; unless approved by the CAO;
 - f) matter that is solvent or petroleum derivative including, but not limited to gasoline, benzene, naphtha or fuel oil;
 - g) matter that is or that contains carbon bisulphide, hydrogen sulphide, ammonia, trichloroethylene, sulphur dioxide or formaldehyde;
 - h) matter containing dyes or coloring material, or which upon reaction with other matter will significantly discolor the effluent in the wastewater system;
 - i) matter having a PH rating of less than 5.5 or greater than 10.0;
 - j) matter containing any paunch manure, intestinal contents from horses, cows, sheep, swine or any other fish or animal, stomach casings, fish scales, bones, hard bristles, hides, manure, poultry entrails, feet or feathers, and fleshing and hair resulting from hide processing operations;
 - k) matter consisting of or containing ash, cinders, sand, mud, straw, metal shavings, glass, rags, tar, plastic or wood;
 - l) matter having a temperature exceeding eighty (80) degrees celsius;
 - m) matter consisting of polluted water, including but not limited to cooling water, processed water or blow-down from cooling towers or operative coolers;
 - n) matter which will create tastes or odors in drinking water making such waters unpalatable after conventional water purification treatment;
 - o) matter generated by garbage grinders unless:
 - a. the matter is generated in preparation of food normally consumed on the premises; or
 - b. the customer has approval from the CAO, and the discharge is in accordance with that approval.
 - p) matter originating from a source outside the Municipality's boundaries; except where an agreement is negotiated.
 - q) matter from any holding or septic tank, other than a recreation vehicle holding tank, except where the Municipality has consented to the discharge or sewage effluent made into a facility owned or operated by the Municipality, and designed to receive such matter;
 - r) matter into a manhole or other opening in the Waste Water System other than through the works from the premises on which the waste water is generated;
 - s) matter which exceeds the following concentrations:
 - a. 300 mg./l of oil or grease of animal or vegetable origin;
 - b. 100 mg./l of oil or grease or mineral or petroleum origin;
 - c. 0.02 mg./l total identifiable chlorinated hydrocarbons which cannot be removed by the Municipality's Sewage Treatment Process;
 - d. 1.0 mg./l phenolic compounds which cannot be removed by the Municipality's treatment process;
 - e. A biochemical oxygen demand greater than 1000 mg./l;
 - f. Suspended solids of 1200 mg./l;
 - g. 0.1 mg./l arsenic;

- h. 0.2 mg./l cadmium;
- i. 2.0 mg./l copper;
- j. 1.0 mg./l cyanide;
- k. 1.0 mg./l lead;
- l. 0.01 mg./l mercury;
- m. 1.0 mg./l nickel;
- n. 0.2 mg./l silver;
- o. 0.5 mg./l total chromium;
- p. 3.0 mg./l zinc;
- q. 3.0 mg./l sulphide;

- 13.2 Where the Municipality has agreed to permit the discharge or deposit of matter referred to in Section 13.1 above, the Municipality may require the person to enter into an agreement relating to the discharge or deposit, and the agreement may include all terms beneficial to the Municipality including, without restricting the generality of the foregoing, that the person shall indemnify and save harmless the Municipality from all costs and damages relating to the discharge or deposit;
- 13.3 Any person who releases or causes or permits the release into any Wastewater System of any matter contrary to Section 13.1 above, shall:
- a. notify the Municipality immediately upon becoming aware of the release;
 - b. provide information respecting the release, to the satisfaction of the Municipality; and
 - c. be liable for all costs incurred by the Municipality with respect to the release for containment, sampling, testing, removal, cleanup, disposal and any other related activity.
- 13.4 All customers of premises consisting of garages, gasoline or service stations and vehicle and equipment washing establishments shall install and maintain interceptors.
- 13.5 Customers of premises other than those referred to in Section 13.4, above shall install and maintain interceptors at the CAO's direction.
- 13.6 The customer shall ensure that any interceptor shall be of a type and capacity approved by the CAO, and shall be located in such a manner as to be readily and easily accessible for the purposes of cleaning and inspection.
- 13.7 Where matter must be pre-treated in order to comply with the requirements of Section 13.1, such pre-treatment shall:
- a. be at the sole cost of the customer;
 - b. be through a method approved by the CAO.

14. DRAINAGE OF WEEPING TILE AND SUMP PUMPS

- 14.1. Foundation weeping tiles shall not be drained into any wastewater service but may be drained into storm sewer mains where the facility exists and the connection feasible.
- 14.2. No eaves trough or roof spouts shall be connected to weeping tiles.

14.3. No basement sump pump shall be drained into any wastewater service without the authorization of the CAO.

15. WASTEWATER BLOCKAGES

15.1. The Town will not be liable for a failure of any connection, wastewater line or any portion of the wastewater system.

15.2. If a blockage is due to physical damage, the Town will be responsible for only the repair of the portion between the wastewater main and the service line on or about the property line.

15.3. Any blockages of the service line to the wastewater main due to foreign material introduced to the service, by the owner/occupant, is the responsibility of the Land Owner.

15.4. If a root problem is caused by or contributed to by Town trees:

- a) The Town may either inhibit root growth using an approved method, or
- b) The Town may have the trees removed, or
- c) If the Land Owner wishes to have the trees left on site, the Land Owner must sign a release stating that the Town will not be responsible for any further blockage due to roots. This release shall be registered on the property title and shall remain with the property, regardless of ownership.

15.5. If the repair of a blockage located on private property causes any portion of sidewalks, boulevards, curbs, gutters, streets or other Town property to be dug up, disturbed or otherwise changed, it shall be the responsibility of the Land Owner for the cost of repairing damages.

15.6. Costs incurred in determining where and what caused any blockage on the service line, including but not limited to such costs as camera scoping, flushing or de-rooting shall, in the event the Land Owner is found to be responsible, be recoverable from the Land Owner.

16. LIABILITY OF DAMAGES

16.1. The Town shall not be liable for loss or damage suffered by any person by reason of general operation of the wastewater system.

17. TAMPERING

17.1. No person shall throw, deposit or leave in or upon any part of Town wastewater system any matter or material other than feces, urine, the necessary closet paper, wastewater and slop properly discharged.

17.2. No waste or discharge resulting from any trade, industrial or manufacturing process shall be directly discharged to any Town wastewater system without such previous treatment as prescribed by the CAO to be completely installed before connection at the Land Owner's expense.

17.3. Every person responsible for:

- a) new residential construction, regardless of the number of dwellings units contained in a structure;
- b) new industrial, commercial and institutional construction; and
- c) any renovation project regarding a residential, industrial, commercial or institutional structure;

must ensure that all plumbing fixtures installed in that construction or renovation are Low Flow Plumbing Fixtures, as they are defined in the Town of Bowden Water Bylaw # 02-2012 (Section 21).

17.4. Notwithstanding the obligation and prohibitions in this bylaw, the CAO may, in writing, allow the installation of plumbing fixtures other than Low Flow Plumbing Fixtures.

17.5. Any person to be found in contravention of this section is guilty of an offense and is liable for a fine as set out in Schedule A.

18. UNLAWFUL DISCHARGE

18.1. It is an offense to release any wastewater or effluent directly onto the ground, into the storm water system, or release wastewater or effluent in any manner other than what is lawfully provided for in the bylaw.

19. UTILITY SERVICES FOR RENTERS AND LAND OWNERS

19.1. Upon passage of this bylaw, the Town of Bowden will only provide wastewater service to the Land Owner of the parcel of land with the exception of existing renters with Utility Accounts in good standing as of February 13, 2012. These renters can continue to receive Town of Bowden Utility Bills directly as long as their account is active and in good standing. If an existing account is subject to a Town of Bowden Disconnection Notice, then the account can only be re-activated in the Land Owner's name.

19.2. Utility accounts with amounts outstanding for services remaining unpaid after the "Last Date Before Penalty" as indicated on the utility bill shall be subject to a penalty as set out in Rate Bylaw 03/2007 (as may be periodically amended).

19.3. Utility accounts with amounts outstanding for services prior to the aforementioned date not paid within forty five (45) days of the "Last Date Before Penalty" as indicated on the utility bill shall be subject to disconnection of water services.

20. RATES, BILLINGS AND PAST DUE ACCOUNTS

- 20.1. The commercial and residential wastewater service fee will be charged monthly on the utility bill in accordance with the rates established in Rate Bylaw 03/2007 (as may be periodically amended) and are due and payable on or before the date indicated on the utility bill as the “Last Date Before Penalty”.
- 20.2. Where the Town supplies wastewater services to a multi-occupied residential or commercial building, condominium or mobile home park, the Land Owner shall pay to the Town a charge comprised of the sum of the flat rate per billing period as set out in Rate Bylaw 03/2007 (as may be periodically amended) multiplied by the number of suites, apartment units, dwellings, units or stalls as the case may be plus the water usage as per Rate Bylaw 03/2007 (as may be periodically amended).
- 20.3. In new construction, utility billing commences at the time of purchase of the water meter.
- 20.4. Non-receipt of a utility bill will not exempt the Land Owner or Renter (As per Section 19.1.) from payment for the service received.
- 20.5. If any utility bill remains unpaid after the date specified in section 20.1 there shall be a penalty added as set out in Rate Bylaw 03/2007 (as may be periodically amended).
- 20.6. If payment from a Land Owner is not received forty five (45) days after the date specified in section 19.2, the account shall be subject to a Town of Bowden Disconnection Notice and the outstanding account shall be automatically transferred to the tax roll account of the property and collected in the same manner as Municipal property taxes. The Town shall provide written notice to the Land Owner of such transfer. If payment from a Renter (As per section 19.1.) is not received forty five (45) days after the date specified in section 19.2, the account shall be subject to a Town of Bowden Disconnection Notice. The Town shall provide written notice to the Land Owner of such action.

21. PENALTIES

- 21.1. Any Land Owner or person who contravenes any provision of this bylaw is guilty of an offence and may be subject to discontinuation of the supply of water services and in addition, is liable for a fine as specified in Schedule A.
- 21.2. The CAO may discontinue the supply of water services for any of the following reasons:
 - a) non-payment of utility account; or
 - b) failure by, or refusal of, a land owner or person to comply with any provision of this bylaw; or
 - c) in any other case provided for in this bylaw.

22. ADMINISTRATIVE

22.1. This Bylaw shall take effect upon its passing.

22.2. Upon passage of this Bylaw, Bylaw # 13/2002 (Utilities Bylaw) is rescinded.

SCHEDULE A:

SPECIFIED PENALTIES FOR OFFENCES UNDER *BYLAW 01-2012 (WASTEWATER AND STORM WATER BYLAW)*

1. First Offence: Written Warning
2. Second Offence (OR A CONTINUING PRIOR FIRST OFFENCE): \$250.00
3. Third Offence (OR A CONTINUING PRIOR SECOND OFFENCE): \$500.00
4. Fourth Offence (OR A CONTINUING PRIOR THIRD OFFENCE): \$1,000.00