

Summer Village of Rochon Sands  
In the Province of Alberta  
Bylaw #254-20  
“Wastewater Bylaw”

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

Whereas, The Council of Summer Village of Rochon Sands deems it expedient and appropriate to ensure the proper treatment and disposal of wastewater under the Alberta Safety Codes Act, the Alberta Private Sewage Systems Standard of Practice and the Alberta Private Sewage Disposal Systems Regulation, within its boundaries;

Whereas, the Alberta Municipal Government Act, Ch. M-26 revised statutes of Alberta, 2000, provides the authority of Council to pass Bylaws respecting the safety, health and welfare of people and the protection of people and property, and Section 542 of the Act authorizes municipal inspections and enforcement of Bylaws;

Whereas, the Alberta Safety Codes Act Ch. S-1 revised statutes of Alberta, 2000, provides that municipalities may be designated as accredited municipalities, authorized to administer with respect to processes or activities under this Act;

Whereas, the Summer Village of Rochon Sands is an Accredited Municipality and authorized to administer the Safety Codes Act of Alberta with respect to, among other matters, private wastewater disposal systems within its municipal boundaries;

Whereas, the Summer Village of Rochon Sands is authorized under the Safety Codes Act to adopt Bylaws in the manner and respect to the extent authorized by the Alberta Private Sewage Disposal Systems Regulation, respecting private sewage disposal systems;

NOW WHEREAS, under the Authority of the Municipal Government Act, the Council of the Summer Village of Rochon Sands, in the Province of Alberta, enacts as follows:

**1. Title**

1.2 This Bylaw shall be known as the “Wastewater Bylaw”;

**2. Definitions:**

“*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 of Rochon Sands;

“*Designated Officer*” means a person who is appointed by the Summer Village or 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 enactment;

“*Enactment*” means any laws, regulations, orders or declarations of the Province of Alberta or any federal laws applicable therein, and any other Bylaws of the Summer Village, together with, in each case, any amendments thereto or substitutions therefor;

“*Holding Tank*” means a tank buried underground that permits no wastewater to escape until transferred for treatment offsite;

“*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 of Rochon Sands or by a Certified Maintenance Inspector in accordance with this Bylaw;

*“Municipal Government Act”* means the Municipal Government Act, Revised Statutes of Alberta, 2000, C. M-26, as amended from time to time;

*“Owner”* means, with respect to the property located within the municipal boundaries of the Summer Village, the registered owner of the land at Alberta Land Titles, the holder of a licence of occupation, or property held or leased from the Summer Village of Rochon Sands as the case may be;

*“Accredited Agency”* means the agency or corporation under agreement with the Summer Village to act as designated officers on behalf of the Summer Village to provide services under the Safety Codes Act;

*“Person”* included an individual, corporation, partnership, association, or any other entity;

*“Private Wastewater Disposal System”* means an onsite wastewater treatment system as defined in the Standard of Practice, Septic Tanks, and the associated treatment fields, holding tanks, and Privies or Outhouses;

*“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;

*“Safety Codes Act”* means the Safety Codes Act, Revised Statutes of Alberta 2000, Chapter S-1 as amended from time to time;

*“Safety Codes Officer”* means an individual designated as a safety codes officer under Section 31 of the Alberta Safety Codes Act;

*“Safety Codes Council”* mean the Council as defined in the Safety Codes Act;

*“Summer Village”* means the Summer Village of Rochon Sands;

*“Standard of Practice”* means the Alberta Private Sewage Systems Standard of Practice, published by the Safety Code Council, as amended from time to time;

*“Treatment Field”* means a system of Wastewater dispersal and treatment by distributing within trenches containing void spaces that are covered with soil and includes a treatment field as further defined in the Standard of Practice;

*“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 from time to time;

*“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;

*“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 cooperation with other municipalities;

### 3. Purpose and Application

- 3.1 The purpose of this bylaw is as follows:
- 3.2 To protect the safety and health of people and property by ensuring the existing and new Private Wastewater Disposal Systems located within the Summer Village of Rochon Sands treat Wastewater in a manner consistent with the objectives of the Standard of Practice;
- 3.3 To protect the waters and the watershed of Buffalo Lake;
- 3.4 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;
- 3.5 This Bylaw is applicable to all properties located within the Summer Village boundaries of the Summer Village;
- 3.6 All Holding Tank installations shall conform to Standard of Practice;
- 3.7 All new installations of holding tanks shall be a minimum of 1500 gallons (6800 litres) capacity;
- 3.8 Nothing in this Bylaw relieves any person from complying with any enactment or any requirements of any permit, order or licence applicable within the municipal boundaries of the Summer Village;
- 3.9 Where a conflict exists between this Bylaw and any other 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, 2025. Or such other dates as may be designated by the Council of Rochon Sands. Inspection costs will be borne by the *Owner* and if unpaid, will be charged against the tax roll of the said property under the authority of this Bylaw, and the Municipal Government Act, for the next calendar year tax levy.
- 4.2 Following the initial inspection pursuant to section to 4.1 hereof, all *Private Wastewater Disposal Systems* shall be inspected by a *Certified Maintenance Inspector* at least every five (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 within 90 days of installation or replacement, as the case may be;
- 4.4 A Safety Codes Officer, upon having reasonable grounds for the belief that a violation of this Bylaw or the Safety Codes Act, may order the inspection of any Private Wastewater Disposal System at a reasonable time upon providing the Owner with reasonable notice of intent to conduct such an inspection;
- 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* shall be in the form 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, the Owner **must** within 90 days of the date of issue of 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 system that complies with the Standard of Practice and Safety Codes Act;
- 4.7 If a Private Wastewater Disposal System does not comply with the Standards of Practice but a Safety Codes Officer determines the deficiencies do not compromise the protection of health and safety of people and property or the waters and the watershed of Buffalo Lake, then the Safety Codes Officer may approve a variance in accordance with the Safety Codes Act;
- 4.8 In the event of a mandated removal, repair or replacement pursuant to Section 4.6 of this Bylaw, an owner may within the 90-day replacement period set out as of date of inspection report issued, may in writing to the Designated Officer, request a timeline extension to address the non-compliance issues or deficiencies as identified, bearing in mind the purpose of this Bylaw and;
- (a) the nature and extent of the non-compliance;
  - (b) health and safety concerns; and
  - (c) environmental concerns;

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

- 5.1 New Treatment Fields shall not be permitted within the 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 Standards of Practice and any Bylaw of the Summer Village regarding the required setbacks from property lines;
- 5.3 An alternative Private Wastewater Disposal System, such as chemical toilets, may be used in the Summer Village provided that the contents are disposed of in a manner acceptable to Alberta Environment and Parks, and any other 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 have been issued by the accredited agency of the Summer Village;
- 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 prior to backfill;

## **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 Systems or any unsafe conditions applicable to a Private Wastewater Disposal System, then the Certified Maintenance Inspector shall report to a Safety Codes Officer and the Designated Officer of the Summer Village;
- 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 the person;
- 8.3 No Owner shall wilfully discharge Wastewater to surface on his property or any other property located within the municipal boundaries of the Summer Village;
- 8.4 Any person who contravenes this Bylaw is guilty of an offence and is liable to pay fines as determined in Schedule A, which forms part of this Bylaw, or may be liable to pay for damages, costs and expenses resulting from contravention of this Bylaw. Unpaid fines, levies, costs or expenses that are levied under this Bylaw and are not paid by the person by December 31 of the calendar year under which fines, levies, costs or expenses are assessed shall be added to the tax roll and become payable under the next years' property tax levy;
- 8.5 If any Owner fails to comply with this Bylaw and such failure is not remedied within the applicable time period, the Summer Village may at its sole discretion take all necessary actions to remedy such failures on behalf of the 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. Unpaid costs or expenses that are incurred by the Summer Village under this section that are not paid by the person by December 31 of the calendar year under which costs or expenses are incurred shall be added to the tax roll and become payable under the next years' property tax levy;
- 8.6 Nothing in this Bylaw diminishes or in any way affects the provisions of the Municipal Government Act relating to offences or 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 obligations imposed by the Safety Codes Act relating to the reporting of accidents or unsafe conditions.

### Effective Date

This Bylaw comes into effect on third and final reading.

READ a first time this 8<sup>th</sup> day of September, 2020.

READ a second time this \_\_\_\_ day of \_\_\_\_\_, 2021.

READ a third and final time this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Chief Elected Official

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Chief Administrative Officer

Schedule A  
Bylaw #254-20  
“Wastewater Bylaw”

1. If a Safety Codes Officer or the Designated Officer for the Summer Village of Rochon Sands believes that a person has committed an offence pursuant to this Bylaw, either Officer may commence proceedings against that person:
  - (a) by issuing an order pursuant to the Safety Codes Act;
  - (b) by issuing an order pursuant to the Municipal Government Act;
  - (c) by issuing a ticket pursuant to the Provincial Offences Procedures Act in respect of the offence and also for any recurring offences within 60 day intervals;
2. A person who commits an offence pursuant to this Bylaw shall be subject to a fine of:  
\$1,000 for the first offence;  
\$2000 for the second offence and any subsequent offence

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