

BYLAW NO. 2016-07

BEING A BYLAW OF THE VILLAGE OF EMPRESS REGULATING  
THE USE OF SEWERS WITHIN THE VILLAGE OF EMPRESS AND  
LEVYING A SEWER SERVICE CHARGE AND SURCHARGE

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THE COUNCIL OF THE VILLAGE OF EMPRESS ENACTS AS FOLLOWS:

PART I

SHORT TITLE AND INTERPRETATION

1. This Bylaw may be cited as The Sewer Service Bylaw.

2. In this Bylaw:

"account" means the combination of primary customer or co-applicant, premises and sewer services for billing purposes;

"average sewage" means sewage of the same nature, quality and degree of pollution as sewage estimated by the Village to be the yearly average wastewater of a primary customer or co-applicant, after making tests of the usual and appropriate kind for such determination;

"bill" means bill as defined in Bylaw No. 2-2014, being *The Empress Water Bylaw*;

"body of water" means a river, stream, brook, creek, watercourse lake, pond, spring, lagoon, swamp, marsh, canal, or other flowing or standing water;

"building drain" means that part of the lowest horizontal piping of a drainage system in a building and extending one meter out from the outside face of the outer wall of the building that receives the discharge from a soil pipe, waste pipe or other drainage pipe and conveys it to the building sewer;

"building sewer" means that part of a drainage system outside the building commencing at a point one meter from the outer face of the building and connecting the building drain to the public sewer or place of sewage disposal;

"chemical oxygen demand" (C.O.D.) means a measure of the oxygen equivalent to the organic content of a sample that is susceptible to oxidation by a strong chemical oxidant as determined in the procedures set out in "Standard Methods";

"Village" means the Village of Empress;

"Village Manager" means the CAO for the Village of Empress and anyone acting under the instructions of the CAO in carrying out the provisions of this Bylaw;

"co-applicant" is a person who is equally responsible as the primary customer for payment of the bill;

"commercial premises" means those premises in which a business, profession, industry, trade or commerce is carried on, and includes all premises not falling within the definitions of "standard residential premises" and "multi-residential premises";

"concentrated sewage" means sewage having a higher content than standard or normal sewage of any of the following:

- (a) suspended solids;
- (b) five-day biochemical oxygen demand;
- (c) grease content; and
- (d) phosphorous

as determined by tests using standard methods;

"Council" means the Council of the Village of Empress;

"daily base charge" means a daily charge per number of days of billing;

"designated property" means a building or buildings intended for residential use with no more than four dwelling units per assessment account or such other building as the CAO shall determine from time to time;

"drainage system" means an assembly of pipes, fittings, fixtures, traps and appurtenances that is used to convey sewage, clear water, waste or stormwater to a building sewer or private sewage works but does not include subsoil drainage pipes;

"dwelling unit" means a single self-contained residential living unit;

"FOG" means fat, oil and grease; "grease" means an organic substance of:

- (a) non-mineral animal or vegetable origin; or
- (b) mineral petroleum origin,

that can be extracted from aqueous solution or suspension by solvent and includes hydrocarbons, esters, oils, fats, waxes and high molecular fatty acids in accordance with Standard Methods;

"industrial waste" means any solid, liquid or gaseous substance discharged, permitted to flow, or escaping from industrial, manufacturing, commercial or business establishment or process, or from the development, recovery or processing of any natural resource; or any liquid discharge regardless of source or characteristics;

"grease interceptor" means a device for separating and retaining waterborne FOG, FOG complexes and settleable solids generated by and from food preparation activities, prior to the wastewater entering the sanitary sewer collection system;

"interceptor" means a receptacle that is installed to prevent oil, grease, sand or other materials from passing into a drainage system;

"multi-residential premises" means single water metered premises with five or more dwelling units;

"owner" means the registered owner of a property or the purchaser thereof who is entitled to occupy and use the property;

"person" includes a corporation, a partnership, and any association or other body;

"pH" means the measure of the intensity of the acid or alkaline condition of a solution determined by the hydrogen ion concentration of the solution in accordance with Standard Methods;

"premises" means land, buildings or part thereof occupied or used for any purpose and includes designated property;

"provincial regulations" means the requirements and provisions of the Province of Alberta contained in any Provincial statute or in any regulation or order made pursuant to the authority of any statute of Alberta;

"public sewage works" means any works for the collection, transmission, treatment and disposal of public sewage and includes a ditch, drain, sewer pipe or conduit used for the conveyance of sewage and includes sewage treatment plants;

"private sewage works" means a privately owned plant for the treatment and disposal of sewage (such as a septic tank with an absorption field);

"properly shredded garbage" means waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will flow freely under conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension;

"sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted;

"sewage" means a combination of the water carried wastes from residences, industrial establishments, commercial and business buildings and institutions together with such ground, surface and storm water as may be present;

"sewer services" means any services provided by the Village related to the connection of a premises to the Villages' sewer system and the discharge of substances into that system;

"standard methods" means the analytical and examination procedures set forth in the current edition of "Standard Methods for the Examination of Water and Waste Water", published jointly by the American Public Health Association, the American Waterworks Association and the Water Environment Federation;

"standard or normal sewage" means sewage having:

- (a) a biochemical oxygen demand content in the sewage wastewater of 300 milligrams per litre or less;
- (b) a suspended solids content in the sewage wastewater of 300 milligrams per litre or less;
- (c) a grease content in the sewage wastewater of 100 milligrams per litre or less of which not more than 15 milligrams per litre is of mineral extraction; or
- (d) a phosphorous content in the sewage wastewater of 30 milligrams per litre or less, expressed as phosphates;

"standard residential premises" means individually water metered single family residences and single water metered premises with no more than four dwelling units;

"storm drainage" means the works established for the collection, transmission, treatment and disposal of storm drainage water;

"storm sewer" means a sewer designed to be used exclusively for storm water drainage;

"stormwater" means water that is discharged from a surface as a result of rainfall or snowfall;

"suspended solids" means solids that either float on the surface, or are in suspension in water, sewage or industrial waste, and which are removable by laboratory filtration devices as set forth in "Standard Methods";

"waste" means any material discharged into the sewage system;

"waste dangerous goods" means any substance disposed or to be disposed as set out in The Hazardous Substances and Waste Dangerous Goods Regulations of Alberta.

"water course" means:

- (a) the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water; or
- (b) a channel, ditch, reservoir or other man-made surface feature,

whether it contains or conveys water continuously or intermittently. "weeping tile

discharge" means a combination of ground, infiltrated surface or storm water collected by a subsoil perforated pipe.

3. The works established for the collection, transmission, treatment and disposal of sewage and storm drainage pursuant to the provisions of The Urban Municipality Act, 1984 are continued as public utility services.

## PART II SEWER

### SERVICE

4. Subject to section 30, every person that applies for sewer services from the Village shall complete an application form to request services through the following method:
  - (a) by attending Village Office in person to fill out and submit a paper application.
5. Any primary customer or co-applicant may discontinue sewer services by completing an application for termination of service through one of the following methods:
  - (a) by attending Village Office in person to fill out and submit a paper application; or
  - (b) by telephoning the Village Office to provide the information required in the application form and to request that service be discontinued to the premises.
6. Any contract for sewer service pursuant to this section shall:
  - (a) include as a term and condition that the applicant or primary customer or co-applicant agrees to abide and be bound by the provisions of this Bylaw and any other bylaw or resolution of the Village concerning sewer service; and
  - (b) be non-transferable.
7. APPLICATION FOR NEW SERVICE CONNECTIONS
  - (a) Any person requiring sewer service from the sewer works system shall apply to the Village office and request that his premises be connected to the said system. The owner or his authorized agent at the time of making an application for a sewer service connection is required to pay to the Village, in advance, an amount equal to:
    - (i) the cost of the sewer service connection as determined by the CAO; or

- (ii) the estimated cost of the sewer service connection as calculated by the CAO subject to a refund or further payment depending on the actual cost when the work is completed.
- (b) The owner or his authorized agent shall provide the CAO with a site plan on which the size and location of the required services are shown. This applies to row housing, each four-suite or larger apartment building and every commercial and industrial building.
- (c) The expense of installing any service connection to a sub-divided lot or a parcel of land, or portions of same, shall be borne by the applicant.
- (d) **The Village shall maintain the sewer from the main to the property line at the expense of the Village; from the property line to the building connection, shall be maintained by the property owner at his expense**
- (e) When any sewer connection is abandoned, the owner or his agent shall effectively block up the connection at a suitable location within his property so as to prevent sewage backing up into the soil, or dirt from being washed into the sewer

8. APPLICATION FOR SERVICE RENEWAL IN PRIVATE PROPERTY

Any owner wishing the Village to renew a service located in private property shall apply to the Village and request that such installation be made. The owner or his authorized agent shall sign:

- (a) a Declaration stating that he has not been able to get a plumbing contractor to do the work:
- (b) the proper application form and provide the deposit required by the CAO. After the installation is completed, he will have to pay the difference between his deposit and the actual installation cost.

9. FROZEN SERVICES

The Village shall not thaw a private service or plumbing system unless the consumer shall first have signed an acknowledgement recognizing that thawing may be inherently dangerous to property including the private service or plumbing system and may cause damage to electrical systems or the outbreak of fire and waiving any claim against the Village for any such damage whatsoever except damage caused by the negligence of the Village.

### PART III

#### SERVICE CHARGES

##### **Daily Base Charge**

- 10. (1) Every primary customer or co-applicant shall, for the sewer services provided by the Village, pay a daily base charge based on the size of the water meter installed on the premises as set out in Schedule "A".

- (2) Every primary customer or co-applicant shall pay the daily base charge applicable to a given meter size whether or not the primary customer or co-applicant actually discharged wastewater into the sewer system.
- (3) Where the installed meter at a premises is determined by the Village to be oversized for the requirements of a primary customer or co-applicant, the Village may replace the meter or set the daily base charge assuming an appropriately sized meter.
- (4) For billing periods of less than or greater than the base billing period, the Village may adjust the daily base charge.

### **Account Billings**

- 11. The Village shall:
  - (a) Include the sewer charges on the Village Water bill;
  - (b) deliver account billings to customers by mail or other available means.
- 12.
  - (1) The total amount shown on the bill as owing is due and payable on the date of delivery to the primary customer or co-applicant.
  - (2) Any amounts not paid within 30 days of becoming due and payable shall be subject to a late payment charge based on the rate of interest set out in Item 1 of Schedule "A".
- 13.
  - a) All accounts may be paid online, by mail, at the village office or other ways designated by the Village from time to time.
  - b) Where a primary customer or co-applicant fails to pay the total amount shown as owing on a bill prior to the late payment date provided on the bill, the Village may discontinue water and sewer services to that primary customer or co-applicant.

## **PART IV**

### **USE OF SANITARY SEWER**

#### **Discharge Restriction**

- 14. Except as otherwise provided in this Bylaw, no person shall discharge into a sanitary sewer any of the following waters or wastes:
  - a. sewage, liquid or vapour having a temperature greater than 65° C;
  - b. gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid,

solid or gas;

- c. garbage other than properly shredded garbage, provided however that shredded garbage shall not be discharged from a garbage disposal unit operated by a motor having a horsepower rating greater than one-third horsepower unless a permit has been obtained from the Village;
  - d. ashes, cinders, sand, stone, or any other solid or viscous substance which may cause difficulty in the public sewage works;
  - e. pesticides or herbicides;
  - f. corrosive, noxious or malodorous material or substance which, either by itself or by reaction with other wastes, is capable of:
    - i. causing damage to the sewer system;
    - ii. creating a public nuisance or hazard; or
    - iii. preventing any person entering the sewers for purposes of maintenance or repair.
  - g. waste which, either by itself or upon the reaction with other material becomes highly coloured;
  - h. water containing wastes from oil or petroleum;
  - i. paunch manure, intestinal contents from horses, cows, sheep, swine or any fish or animal, grease or oil, pigs' hooves or toenails, any stomach casings, fish scales, bones, hog bristles, hides or parts thereof, manure, poultry entrails, heads, feet or feathers, fleshings and hair resulting from hide processing operations;
  - j. sewage containing a radio-active substance;
  - k. corrosive or toxic sewage or other wastes which could adversely affect the sewer system;
  - l. hazardous waste or waste dangerous goods; and
15. (1) Notwithstanding clause 14(c), the Village may prohibit the use of a garbage disposal unit within those parts of the Village where the Village determines that the discharge from a garbage disposal unit would impede the proper functioning of the public sewage works.
- (2) No person shall use a garbage disposal unit where the Village has prohibited such use pursuant to subsection 15(1).



### **Septic Tank Wastewater**

16. (1) No person shall discharge septic tank wastewater into the sewer system without a permit from the Village and paying an annual fee in accordance with Item 2 of Schedule "A".
- (2) The annual fee shall be based on the carrying capacity of the vehicle.
- (3) The permit must at all times be maintained in the vehicle and available for inspection by the Village.
- (4) No person shall discharge septic tank wastewater into the sewage system in contravention of the permit obtained for such discharge.
- (5) Where a person holds a permit pursuant to subsection 25(1) the permit holder shall only discharge septic wastewater into the sewage system from the following:
  - (a) septic tanks located within the Town limits; or
  - (b) septic tanks located outside the Town limits that are owned or operated by persons who have entered into extra municipal servicing agreements with the Village and have paid all fees set out in Schedule "A".

### **Blockage of Sewage System**

17. Where partial or total blockage of part of the sewer system is caused because a person failed to strictly comply with the provisions of this Bylaw, the person shall, in addition to any penalty for infraction of the provisions hereof, be liable to the Village for all costs of clearing such blockage. Such cost shall constitute a debt due to the Village.
  - a. The Village of Empress, upon receiving a request for service for a blocked sewer service will make arrangements to have a village employee attend to service the line. Rates for these services are set out in schedule "A" Prior to the commencement of any work, the owner shall sign an application for service and release of liability. Schedule "B"
  - b. Should the problem be identified as originating on town property, during the winter repairs may be postponed to summer with the village performing regular preventative servicing for the property at no charge.

### **Private Sewage Works**

18. Where a public sanitary sewer is not available, the owner of a premises shall drain the sewage from the premises into a private sewage works complying with the provisions of this Bylaw and the requirements of Private Sewage Systems Standards of Practice - 2009, and the Safety Codes Act of Alberta.
19. No person or owner shall commence construction of a private sewage works until he or she has:

- a. submitted an application for a permit in a form approved by the Village;
  - b. provided the Village with any plans, specifications and other information as requested by the Village; and
  - c. obtained a permit from the Village.
- 20. A person or owner who constructs or causes to be constructed a private sewage works shall:
  - a. complete the works to the satisfaction of the Village;
  - b. allow the Village to inspect the work at any stage of construction; and
  - c. notify the Village when the work is ready for final inspection and before any underground portions are covered.
- 21. The owner or person having a private sewage works shall, at his or her expense, operate and maintain the private sewage works in a sanitary manner.
- 22. (1) When a sanitary sewer becomes available to a premises served by a private sewage works, the person or owner shall connect or cause to be connected within 60 days from the date when the sanitary sewer became available, to the sanitary sewer in compliance with this and all other pertinent Bylaws of the Village of Empress.
- (2) Any septic tanks, cesspools and similar private sewage disposal facilities shall be dismantled to the satisfaction of the Village.

## PART VI

### OFFENCES, PENALTIES AND ENFORCEMENT

#### **Right of Entry and Correction of Deficiencies**

- 23. (1) Any duly authorized employee of the Village, on presentation of proper credentials and identification, may enter all premises for the purpose of inspection, observation, measurement, sampling and testing, as provided for in this Bylaw.
- (2) If such inspection discloses any act or omission contrary to the provisions of this Bylaw, or the inspection discloses any defect or insufficiency in the location, construction, design or maintenance of any equipment in connection with the sewage discharge, the Village may direct the owner or occupier of the premises to correct the act or omission or any defect or insufficiency, and the owner or occupier shall forthwith comply with such direction.

Where, after being directed by the Village to take corrective action pursuant to subsection 23(2), the owner or occupier of the premises continues to be in violation of the requirements of this Bylaw, the Village, on the approval of the CAO or his designate, may disconnect the **water** service to the premises.

The CAO or his designate, may authorize reconnection of the water service when the owner or occupier of the premises provides evidence, satisfactory to the CAO or his designate, that no further violations of this Bylaw are about to occur.

The cost of any disconnection and reconnection of the water service pursuant to this section will be:

- (a) Set out in ~~Schedule "A"~~; in the Water Bylaw; and
  - (b) paid by the property owner in advance of the reconnection.
- (3) Notwithstanding any direction given in accordance with subsection 23(2), a person to whom the direction is given may also be prosecuted for a contravention or failure to comply with provisions of this Bylaw.

## **Penalties**

24. Any person who contravenes any provision of this Bylaw is guilty of an offence punishable upon summary conviction and is liable:
- (a) in the case of an individual, to a fine not exceeding \$2,000, or in default thereof, to imprisonment for a term not exceeding 90 days; and
  - (b) in the case of a corporation, to a fine not exceeding \$5,000.
25. Conviction of a person for a breach of any provision of this Bylaw does not relieve that person from compliance with the Bylaw and the convicting Justice of the Peace shall, in addition to any fine imposed, order the person to perform within the specified period, any act or work necessary for the proper observance of this Bylaw or to remedy the breach thereof.

## **PART VII**

### **MISCELLANEOUS**

#### **Severability**

26. It is the intention of Village Council that if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction then all other provisions of this Bylaw shall remain valid and enforceable.

### **Compliance with Other Legislation**

27. Nothing in this Bylaw relieves any person from complying with any provision of any Federal or Provincial Legislation or any other Bylaw of the Village.

### **Effective Date**

28. (1) This Bylaw shall come into full force and effect on the 16th day of January 2014.
- (2) That Bylaw No. 5-2013 as well as any other prior bylaw related to sewer is hereby repealed upon the effective date of this Bylaw.

READ A FIRST TIME THIS 20th DAY OF OCTOBER, 2016;

READ A SECOND TIME THIS 20th DAY OF OCTOBER, 2016;

READ A THIRD TIME AND PASSED THIS 20th DAY OF OCTOBER, 2016.

*Chad Van Dam*

MAYOR

*Debbie Ross*

CAO

SCHEDULE "A" FEES

AND CHARGES

ITEM	AMOUNT
1. Monthly interest rate on overdue accounts, pursuant to subsection 20(2) .....	4% bimonthly
2. Residential/Small Commercial.....	\$ 20.00
Large Commercial.....	\$98.00
3. Billing Period .....	bi-monthly
4. Service Calls Monday to Friday 8:00 a.m. and 5:00 p.m.....	\$50.00/hour, minimum 1 hour
5. Vacation Rate.....	50%

\*Total cost of digging up any service to disconnect will be charged to homeowner

\*\*Emergency after hours, holidays, weekends and evenings shall be 1 ½ times the rates listed

## Schedule "B"

BYLAW#7-2016

Village of Empress

### WORK ORDER & CONSENT

I, \_\_\_\_\_, of the property at \_\_\_\_\_  
owner/tenant street address

do hereby request the Village of Empress to dispatch work crews to restore my sewer service.

I hereby agree to pay to the Village of Empress, on demand, all charges levied by the Village of Empress for labour, equipment, and materials pursuant to Bylaw #07-2016, and/or Bylaw #5-2016 and as employed by the Village in the execution of this Work Order. As per schedule A, service calls are at \$50.00 per hour with a minimum of 1 hour charged, and overtime rates of 1 ½ times regular rates on evening, weekends and holidays. Equipment rates as per Rates Bylaw 5-2016.

Further, I hereby forever release and covenant to hold harmless the Corporation of the Village of Empress and its employees, agents, and contractors from any and all claims or rights of action for any damages or recovery of expenses arising out of the execution of this Work Order.

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner/Occupier's Signature

\_\_\_\_\_  
Signed on behalf of the Village of Empress

For office use:

Labour: Name \_\_\_\_\_ start \_\_\_\_\_ finish \_\_\_\_\_

Name \_\_\_\_\_ start \_\_\_\_\_ finish \_\_\_\_\_

Equipment: Type \_\_\_\_\_ hours \_\_\_\_\_

Type \_\_\_\_\_ hours \_\_\_\_\_

Type \_\_\_\_\_ hours \_\_\_\_\_

Material: Description \_\_\_\_\_ quantity \_\_\_\_\_

Description \_\_\_\_\_ quantity \_\_\_\_\_

Description \_\_\_\_\_ quantity \_\_\_\_\_