

TOWN OF BANFF

BYLAW (17-4)

Sewer System Bylaw

A Bylaw to provide for the regulation of the Sewer System and to establish a tariff of rates.

NOW THEREFORE the Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1.0 CITATION

- 1.1 This bylaw may be cited as the *Sewer System Bylaw*.

2.0 DEFINITION

- 2.1 In this bylaw,
- 2.1.1 “Account” means an agreement between the Consumer and the Town of Banff for the supply of sewer.
 - 2.1.2 “Biological Substances” means a substance from a hospital, medical clinic, laboratory or health care facility which contains or may contain pathogenic materials, substances or agents which will not or cannot be treated to acceptable levels by the wastewater treatment process.
 - 2.1.3 “Consumer” means a Person who has an Account with the Town for the supply of sewer, or the Owner, licensee or occupier of a building or land receiving sewer service.
 - 2.1.4 “Development Permit” has the same meaning as in the *Town of Banff Land Use Bylaw*.
 - 2.1.5 “Fees and Charges Bylaw” means the Town of Banff *Fees and Charges Bylaw*, as amended or replaced from time to time.
 - 2.1.6 “FOG” means fats, oils and grease.
 - 2.1.7 “Harmful Substances” means any substances listed in Schedule A.

- 2.1.8 “Hazardous Substances” means a substance that is either a hazardous substance or a hazardous waste or has the properties of hazardous waste as described in the Environmental Protection and Enhancement Act.
- 2.1.9 “Owner” means:
- (a) In regard to Crown Land a Person who is the lessee of Crown land and that Person’s successors and assigns;
 - (b) In respect to land other than Crown land, the Person who is the registered owner of the fee simple interest in the land;
 - (c) In respect of any property other than land, the actual owner, occupant, operator or Person in lawful possession of the property.
- 2.1.10 “Peace Officer” means the following persons while that person is in the exercise or discharge of their power or duties:
- (a) a Bylaw Enforcement Officer appointed by the Town pursuant to the *Municipal Government Act*;
 - (b) a peace officer appointed pursuant to the *Peace Officer’s Act*;
 - (c) a member of the Royal Canadian Mounted Police;
 - (d) a park warden appointed under the *Parks Canada Agency Act* (Canada) and a park officer designated under the *National Parks Act* (Canada).
- 2.1.11 “Person” means any individual, firm, partnership, association, corporation, organization, trustee, executor, administrator or other legal representative.
- 2.1.12 “Pre-Treatment System” means a treatment system or device that is designed to remove substances or contaminants from wastewater produced on site before that wastewater passes into the Sewer System and includes, but is not limited to interceptors, separators, screens and grinders.
- 2.1.13 "Property Line" means the legal surveyed boundary of a property.
- 2.1.14 “Septage” means excrement and other waste material contained in or removed from a recreational vehicle or bus septic tanks only.

- 2.1.15 “Sanitary Dump Station” means a facility designed and constructed to receive Septage and carpet upholstery cleaning grey water.
- 2.1.16 “Sewer System” means the Sewer System owned and operated by the Town of Banff and all accessories and appurtenances thereto.
- 2.1.17 “Town Manager” means a person appointed as Chief Administrative Officer by Council, or his or her delegate.
- 2.1.18 "Vacated Property" shall mean vacant property or property that will not be inspected or occupied for a period in excess of 96 hours.

3.0 AUTHORITY

- 3.1 The Town Manager, subject to the control of the Council, shall have charge of all the various properties and works required for the supply of the Town and its inhabitants with sanitary sewer service and of the inspection and rating of all buildings and premises supplied with sanitary sewer service.
- 3.2 Subject to the approval of Council, the Town Manager may enter into an agreement with a Consumer to supply sewer service outside the Town limits. The Owner must comply with the provisions of this bylaw unless a waiver is provided by the Town Manager.

4.0 CONNECTION TO MAIN

- 4.1 The Owner of any building situated upon land abutting upon any street or public place wherein there is a sewer main shall install in such building, connections with the main and such apparatus and appliances as may be required to ensure the proper sanitary condition of the building or premises.
- 4.2 No earth-pit privy, out-closet, or privy vault shall be erected or used in the Town unless under permit for special occasions or purposes.
- 4.3 Any Person requiring sewer services from the Sewer System shall apply to the Town Manager and obtain permission to connect to the sewer main. The Owner or his authorized agent shall sign the proper application form provided for that purpose together with the fee specified in the *Fees and Charges Bylaw*. Any expense occasioned by the applicant with respect to the installation of any connection shall be borne by the applicant.

- 4.4 4.4 In the event of the construction or renovation of a building or a change of use, intensification of use or demolition on a property which requires a Development Permit under the Land Use Bylaw, the Owner shall provide sufficient details to the Town Manager of the existing sewer services, to the satisfaction of the Town Manager. In the event the Town Manager determines, in his sole discretion, that there are no existing sewer services, the existing services do not comply with the Town of Banff Engineering Design Standards, the existing sewer services are not designed to manage the proposed development or the existing sewer services are in a state of disrepair, the Owner shall, at his own cost:
- a) Install a new sewer connection designed to manage the proposed development in accordance with the Town of Banff Engineering Design Standards; or,
 - b) Modify or repair or replace the existing sewer connection to the satisfaction of the Town Manager.
- 4.5 A property shall be considered serviced once one connection has been made to the Sewer System. Any subsequent installation of connections requested or necessitated by the demolition, excavation, renovation or other works on the lands shall be paid for in their entirety by the Owner.

5.0 RESPONSIBILITY

- 5.1 All expenses incidental to the tapping of the Town mains and laying the standard sewer service lines from the sewer mains to the Property Line will be borne by the Owner.
- 5.2 The Town shall be responsible for the maintenance of the sewer mains and the connections from the mains to the Property Line.
- 5.3 The Town shall be responsible for the maintenance of the sanitary sewer main and the connections from the main to the Property Line.
- 5.4 The expense incidental to the laying, connecting, disconnecting or repairing as herein before provided, of sewers and sewer mains when such work is done by the Town beyond the Property Line or the expense of superintending such work when it is done by any other Person, is payable to the Town by the Owner on

demand and if not paid may be collected forthwith in the same manner as sewer rates.

- 5.5 If any damage is done to any sewers or sewer mains or connections to the interior face of the outer walls of the building supplied or its fittings, either by neglect or otherwise, or if a sanitary sewer becomes obstructed in any way between the inner surface of the wall of the building supplied and the Property Line, the Owner of the lands shall forthwith repair the same to the satisfaction of the Town and in default of so doing, the Town, its officers, agents, or servants may repair the same and charge the same to the Owner and collect the same in the same manner as sewer rates.
- 5.6 All materials utilized by the Owner in the construction, installation, or repair of a sewer service connection shall correspond in all particulars with the materials used by the Town and any materials prescribed by the Town Manager.
- 5.7 When the connecting, disconnecting or repairing of the sewer service line between the sewer main and the building serviced is done by a Person other than an officer, employee or agent of the Town that Person shall notify the Town Manager and an inspection report prepared by a civil engineer shall be submitted to the Town for approval. The sewer service line shall be left uncovered until it has been inspected and approved.
- 5.8 Every Owner of premises containing a food or beverage establishment, vehicle repair shop, auto body shop, garage, petroleum service station, vehicle and equipment washing establishment, dental clinics or any other circumstance which the Town Manager determines should be subject to the requirements of this provision shall;
 - (a) Install an interceptor for the removal of FOG, solids, sediments and amalgam from waste water and locate the interceptor as to be readily and easily accessible for cleaning in accordance with CAN/CSA B481 standards and the requirements of the *National Plumbing Code of Canada*, as amended or replaced from time to time, in order to prevent FOG and Harmful Substances from passing into Sewer System;
 - (b) Monitor, operate, clean and properly maintain at all times each interceptor installed in or on their premises in accordance with the requirements set by CAN/CSA B481 standards; and
 - (c) Inspect interceptors at least weekly and service before the volume of FOG and solids exceeds 25% of the liquid volume of the interceptor;
 - (d) Make available to the inspector upon request a maintenance schedule and record of maintenance for the interceptor and keep a two-year record of proof of interceptor maintenance and disposal locations of FOG, solids sediments, amalgam and other Harmful Substances.

- 5.9 No Owner shall cause or permit the discharge of an emulsifier into the Sewer System or use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of FOG through an interceptor.
- 5.10 No Person shall cause or allow the placement or deposit of any Harmful Substances, as defined in Schedule A, in the Sewer System.
- 5.11 In the case of any blockage, either wholly or in part, of the Sewage System caused by reason of failure, omission or neglect by the Owner or non-compliance with the requirements of this Bylaw, the said Owner concerned therein shall, in addition to any penalty for infraction of the provisions hereof, be liable to the Town for all costs of clearing such blockage and for any other amount for which the Town may be held legally liable because of such blockage.
- 5.12 If the Town Manager determines that the characteristics and qualities of the wastewater released from a premises do not comply with the requirements of this Bylaw, the Town Manager may issue an order requiring the Owner of the premises from which the wastewater is produced to install and maintain an appropriate Pre-Treatment System.
- 5.13 An Owner required to install a Pre-Treatment System in accordance with section 5.12 shall have 6 months to bring the premises into compliance with such an order.
- 5.14 The Town may, by its officers, employees and agents enter upon any premises served or to be served with a sewer connection, to inspect the equipment installed thereon and for all purposes of inspection, installation and tests for the purposes of this bylaw.
- 5.15 No Person shall in any way interfere with any pipe or other sewer appliance outside of his own premises. No Person except a Person authorized by the Town Manager, shall tap or make any connections whatsoever with any public pipes or mains, either in the streets, or in the lanes, or on private grounds.
- 5.16 The Town shall not be liable for damages:
- (a) caused by the breaking of any sewer main or attachment;
 - (b) caused by the interference with the supply of any sewer service necessary in connection with the repair or proper maintenance of the sewers;

- (c) for any accident due to the operation of the Sewer System of the Town unless such accident is shown to be directly due to the negligence of the Town or its officers, employees or agents.

5.17 The Town Manager may inspect any property in the Town to ensure compliance with this bylaw.

6.0 SANITARY DUMP STATION

- 6.1 Prior to the use of the Town's Sanitary Dump Station, users shall pay a fee in accordance with the *Fees and Charges Bylaw*. For the purposes of this Bylaw all uses other than the removal or disposal of Septage from a recreational vehicle shall be considered a commercial use.
- 6.2 The Town's Sanitary Dump Station use shall be limited to;
 - (a) disposal of Septage;
 - (b) disposal of carpet upholstery cleaning grey waterand no person shall use the Town's Sanitary Dump Station for any other purpose.
- 6.3 No person shall cause or allow the disposal of Septage or carpet upholstery cleaning grey water at any location other than the Town's Sanitary Dump Station, and then only in accordance with the requirements of this Bylaw.
- 6.4 No person shall dispose of any waste materials at the Wastewater Treatment Plant without prior authorization from the Town Manager.

7.0 FEES

- 7.1 All fees, rates and charges due in connection with this bylaw are those outlined in *Fees and Charges Bylaw*.
- 7.2 All rates and charges payable pursuant to or in connection with this bylaw are due and payable upon invoicing or quarterly.
- 7.3 Overdue charges may be collected by:
 - (a) court action; or
 - (b) by distress sale of the goods and chattels of the Person owing the rates, charges, lots, fares or rents wherever they may be found in the Town.

8.0 VIOLATIONS AND ENFORCEMENT

- 8.1 Any Person who contravenes this bylaw is guilty of an offence.
- 8.2 Persons contravening certain sections of this bylaw shall be liable for the specified penalties set out in Schedule "B".
- 8.3 Except as otherwise provided for in this Bylaw, a person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided is liable to a fine of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000) per offence, plus costs, and in default of payment is liable to imprisonment for a term not exceeding six (6) months or to a term of imprisonment not exceeding six (6) months without the option of a fine.
- 8.4 A notice or form commonly called an Offence Ticket having printed wording approved by the Director of Corporate Services, may be issued by a Peace Officer to any Person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the Town in the amount specified in this bylaw.
- 8.5 An Offence Ticket shall be deemed to be sufficiently served:
- (a) if served personally on the accused; or
 - (b) if mailed to the last known address of the accused Owner, licensee or occupant.
- 8.6 Any Person found in contravention of a provision of this bylaw and who does not comply with the directions of the Peace Officer in correcting the violation under this bylaw is guilty of an offence and the said violation may be remedied by the Town to the satisfaction of the Peace Officer.
- 8.7 In addition to any other remedy available to the Town for noncompliance with this bylaw, the Town may correct the violation and the costs incurred therefore shall be paid to the Town upon demand and failing payment, may be collected as a debt due to the Municipality.

9.0 SCHEDULES

- 9.1 Schedule "A" & "B" forms part of this bylaw.

9.2 Schedule "A" & "B" to this bylaw may be amended, from time to time, by resolution of Council and any such amendment shall form part of this bylaw.

10.0 REPEAL

10.1 Bylaw 17-3, *Sewer System Bylaw*, as amended, is repealed.

11.0 ENACTMENT

11.1 This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

11.2 The Town Manager is authorized to consolidate Bylaw 17-4.

READ A FIRST TIME this 14th day of June, 2021.

READ A SECOND TIME this 14th day of June, 2021.

READ A THIRD TIME this 14th day of June, 2021.

SIGNED AND PASSED this 14th day of June, 2021.

On Original

Karen Sorensen
Mayor

On Original

Kelly Gibson
Town Manager

SCHEDULE A – HARMFUL SUBSTANCES

The following must not be released into the Sewer System:

- a. a substance that causes or will cause an adverse effect;
- b. a substance that will interfere, or does interfere, with the operation of the Sewer System;
- c. a substance that will cause a violation or non-compliance event with respect to the Town's sewer operating approval;
- d. a substance prohibited in the Canadian Water Quality Guidelines for the Protection of Aquatic Life and the Canadian Sediment Quality Guidelines for the Protection of Aquatic Life of the Canadian Council of Ministers of the Environment;
- e. a substance that will interfere with the disposal of biosolids resulting from municipal wastewater treatment;
- f. an explosive substance, including solvents or petroleum derivatives such as gasoline, diesel fuel, naphtha or fuel oil, of a quantity such that wastewater from the premises will:
 - a. exhibit the characteristics of flammable liquid, or
 - b. the explosive substance could cause or contribute to an explosion or support combustion in the Sewer System, by itself or in combination with other wastewater;
- g. a substance, including hydrogen sulphide, carbon disulphide or other reduced sulphur compounds, but not including domestic wastewater, which by itself or in combination with other substances is capable of creating odours;
- h. a solid or viscous substance in a quantity, or of such size, as to be capable of causing a restriction or obstruction to the flow in a Sewer System, including ashes, bones, grains, cinders, sand, mud, straw, shavings, metal, glass, rags, wipes, feathers, tar, plastics, wood, garbage, animals or animal parts, animal feces and blood;
- i. wastewater containing a substance that on its own, or in combination with another substance, creates a taste or an odour in the drinking water supply and makes drinking water unpalatable after conventional water purification treatment;
- j. wastewater containing a substance that on its own is, or in combination with another substance becomes, highly coloured and passes through the Sewer System, discolouring the effluent;

- k. wastewater that is released in layers or forms layers upon interaction with other wastewater;
- l. wastewater having a pH of less than 5.5 or greater than 10;wastewater having a temperature in excess of 75 degree Celsius;
- m. radioactive materials;
- n. corrosive or toxic wastewater that causes or will cause an adverse effect;
- o. Biological Substances;
- p. unused or waste pharmaceuticals;
- q. unused or waste chemical substances;
- r. Hazardous Substances;
- s. pesticides, and;
- t. grit removed from commercial or institutional premises including but not limited to grit removed from car washing establishments, automobile garages and restaurant sumps or from interceptors.

SCHEDULE B – SPECIFIED PENALTY

Section	Description	First/ Minimum Penalty	Second/ Subsequent Penalty
4.1	The Owner of any building situated upon land abutting upon any street or public place wherein there is a sewer main failing to install in such building, connections with the main and such apparatus and appliances as may be required to ensure the proper sanitary condition of the building or premises.	\$500	\$1,000
4.2	Erecting or using earth-pit privy, out-closet, or privy vault in the Town without having obtained a permit for special occasions or purposes.	\$200	\$500
5.8	Failing to install, maintain, inspect or repair an interceptor.	\$500	\$2,000
5.9	No person shall cause or allow the discharge of an emulsifier into the Sewer System or use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of fats, oil or grease through an interceptor.	\$500	\$2,000
5.10	No Person shall cause or allow the placement or deposit of any Harmful Substances into the Sewer System.	\$1,000	\$3,000
5.12	Failing to install, maintain or repair a Pre-Treatment System.	\$500	\$2,000
5.15	A Person in any way interfering with any pipe or other sewer appliance outside of his own premises.	\$500	\$1,000
6.1	Sanitary Dump Station users failing to pay the user fee in accordance with the <i>Fees and Charges Bylaw</i> .	\$100	\$500
6.2	Unauthorized use of the Town's Sanitary Dump Station.	\$100	\$500
6.3	Unauthorized disposal of Septage or carpet upholstery cleaning grey water.	\$100	\$500
6.4	A person disposing of materials at the Wastewater Treatment Plant without prior authorization.	\$500	\$1,000