

Mountain View County
Province of Alberta

Bylaw No. 21/08

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO REGULATE EXISTING WASTEWATER SYSTEMS AND TO REQUIRE CONNECTION TO WASTEWATER AND WATER SYSTEMS WHEN PROVIDED BY THE COUNTY.

ENACTMENT

101. Mountain View County has the authority to provide services and facilities which are necessary or desirable for the municipality.
102. Mountain View County may pass Bylaws respecting connection to public utilities.
103. Subject to Section 33 of the *Municipal Government Act* when a municipality provides a Municipal Utility Service, the Council may by bylaw prohibit any person other than the Municipality from providing the same or a similar type of utility services in all or part of the Municipality.
104. Mountain View County deems it desirable to provide water and/or wastewater utilities in areas of the municipality as determined by Council.
105. The provision of water and wastewater services supports the County's desire to provide environmentally friendly developments.
106. This Bylaw may be cited as the Water and Wastewater Utilities Bylaw.

DEFINITIONS

201. In this Bylaw:
 - a. **"Adjacent to a Property"** means property that is contiguous to land on which a water or wastewater main is constructed.
 - b. **"Council"** means the Council of Mountain View County.
 - c. **"County"** means the municipal corporation of Mountain View County, or the area contained within the boundaries thereof, as the context requires.
 - d. **"Inter Alia"** means "among other things", "for example" or "including".
 - e. **"Natural Outlet"** means a natural watercourse, pond, ditch, lake or other body or surface or groundwater.
 - f. **"Owner"** means the person registered as the owner of a property pursuant to the provisions of the Land Titles Act (Alberta) and shall include a person who is purchasing a property under an Agreement for Sale.
 - g. **"Person"** means any individual, partnership, firm, corporation, municipality, association, society, political or other group and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
 - h. **"Polluted Water"** means water that is contaminated with wastes.

- i. **“Utility”** means the corporation established by or contracted by the County to operate the water and wastewater system.
- j. **“Wastewater”** means a combination of water-carried wastes from residences, business buildings, institutions, industries and other establishments, together with such ground, surface, and storm water as may be present.
- k. **“Water”** means water that is potable water.
- l. **“Water/Wastewater Main”** means water and sewer lines constructed by the Utility or Mountain View County, and does not include transmission lines operating on an intermittent basis.

WASTEWATER SERVICES

301. Restrictive Facilities

- a. Except as permitted in this Bylaw, no person shall construct or maintain any privy, privy vault, septic tank, cess pool, field or other facility intended or used for the on-site collection or disposal of wastewater.

302. Public Service:

- a. If a sanitary sewer system is to be constructed adjacent to a property on which a private waste water disposal system is installed, the County, with the consent of the Utility may give the Owner of the property notice to connect to the public sanitary sewer system within sixty (60) days of such notice being given.
- b. If a sanitary sewer system is to be constructed within 0.8 kilometres (1/2 mile) to a property when that property is accessed from a side road that intersects the road on which the sanitary sewer system is installed, the County, with the consent of the Utility may give the Owner of the property notice to connect to the public sanitary sewer system within sixty (60) days of such notice being given.
- c. If such notice is given, the private waste water disposal system shall be abandoned, cleaned of sludge and filled with dirt or pit-run gravel, or otherwise removed and replaced with fill material approved by the County, at the Owner's expense.
- d. The Owner of each house or other building used for human occupancy, employment, recreation or other purpose located on a property lying along and adjacent to a sanitary sewer line is required to provide suitable wastewater facilities on their property, at their sole cost, in order to connect to the sanitary sewer line.
- e. Costs for connection to the sanitary sewer system will be determined by the County or the Utility at the time the sanitary sewer system is installed and will be paid for by the Owner, at the time of connection. .

303. Private Service:

- a. If property is not connected to and is not required to be connected to a sanitary sewer system in accordance with this Bylaw, the buildings used for human occupancy, employment, recreation or other purposes on such property shall be connected to a private wastewater disposal system complying with the provisions of this Bylaw and the Alberta Private Sewage Disposal Regulation.

- b. The type, capacity, location, and layout of a private wastewater disposal system shall comply with all requirements of the Alberta Private Sewage Disposal Regulation.
- c. No person shall discharge into a natural outlet within the County, any wastewater or other polluted water.
- d. The Owner of a property shall at all times operate and maintain in a sanitary manner, any private waste water system located on such property.

WATER SERVICES

- 401. Except as permitted by this Bylaw, no person shall use or operate an onsite private water system.
- 402. If a water main is constructed adjacent to a property on which a private water system is installed, the County or Utility may give the Owner of the property notice to connect building(s) located on his property directly with the water main within sixty (60) days of such notice being given. Without restricting the generality of the foregoing, it is the intent of the County to require such connection, inter alia, upon an intensification of use or development. If such notice is given, the private water system shall be disconnected from the building(s) located on the property and the wells shall be properly closed in accordance with provincial guidelines.
- 403. If a water main is constructed within 0.8 kilometres (1/2 mile) to a property when the property is accessed from the side road that intersects the road on which the water main is installed, the County or Utility may give the Owner of the property notice to connect building(s) located on his property directly with the water main within sixty (60) days of such notice being given. Without restricting the generality of the foregoing, it is the intent of the County to require such connection, inter alia, upon an intensification of use or development. If such notice is given, the private water system shall be disconnected from the building(s) located on the property and the wells shall be properly closed in accordance with provincial guidelines. A water well used specifically for agriculture may continue to be used for agricultural operations and agricultural residential purposes.
- 404. The Owner of any house or building not in existence at the time the water main is constructed and used for human occupancy, employment, recreation or other purpose located on the property lying along the line of any water main shall connect such house or building directly with the water main.
- 405. If a property is not connected to and is not required to be connected to a water main, in accordance with this Bylaw, a private water system may be utilized.
- 406. Costs for connection to the main line will be determined by the County or the Utility at the time the main line is installed and will be paid for by the Owner at the time of connection.

PENALTIES

- 501. Any Person who violates, contravenes or breaches any provision of this Bylaw is guilty of an offense.
- 502. The County is authorized to enter onto and inspect any private property to make sure that the provisions of this bylaw are being complied with.
- 503. A summons may be issued with respect to any breach of this Bylaw by means of a violation ticket which shall be in the form prescribed by the Provincial Offences Procedures Act (Alberta) or the regulations thereunder.
- 504. A summons shall state the specified penalty for the offence as provided in this Bylaw.

505. A summons shall be served as provided in the Provincial Offences Procedure Act.
506. If a Person wishes to plead guilty to an offence, such person may do so by a voluntary payment by delivering the summons and an amount equal to the specified penalty for the offence to the Office of the Provincial Court.
507. A Person who violates any provision of this Bylaw shall be liable to pay:
- a.) For the first offence, a specified penalty in the sum of \$250.00, or upon summary conviction, a fine of not less than \$250.00 and not more than \$2,000.00 or six months imprisonment.
 - b.) For a second offence, a specified penalty in the sum of \$300.00, or upon summary conviction, a fine of not less than \$300.00 and not more than \$2,000.00 or six months imprisonment.
 - c.) For a third or subsequent offence, a specified penalty in the sum of \$350.00, or upon summary conviction, a fine of not less than \$350.00 and not more than \$2,000.00 or six months imprisonment.

SEVERABILITY

601. Should any clause or part of this Bylaw be found to have been improperly enacted, for any reason, then such clause or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the clause or part found to be improperly acted had not been enacted as part of this Bylaw.

EFFECTIVE DATE

701. This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.

Bylaw 21/08, passed by Council May 7, 2008