



**TOWN OF PINCHER CREEK  
WASTEWATER UTILITY BYLAW**

**#1632-22**

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**BYLAW #1632-22**

**of the**

**TOWN OF PINCHER CREEK**

**A BYLAW OF THE MUNICIPALITY OF THE**

**TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA,**

**FOR THE PURPOSE OF REGULATING WASTEWATER WITHIN THE MUNICIPALITY OF  
THE TOWN OF PINCHER CREEK**

**WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, permits the municipality to pass bylaws regarding public utilities;

**AND WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes a municipality to pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes a municipality to pass Bylaws for municipal purposes respecting the enforcements of bylaws including providing for inspections to determine if bylaws are being complied with;

**AND WHEREAS** the Council of the Town of Pincher Creek wishes to establish regulations, rates, and penalties for Wastewater services.

**NOW THEREFORE**, the Municipal Council of the Town of Pincher Creek hereby enacts as follows:

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Title**

- a) This Bylaw may be cited as the “Wastewater Utility Bylaw”.

**1.2 Purpose**

The purposes of this Bylaw include the following:

- a) To protect the Wastewater System and its processes from damage, obstruction, toxic upset, or loss of efficiency;
- b) To protect the Town’s employees and the public from exposure to hazardous conditions;
- c) To control the flow and composition of Releases of Wastewater and Substances to the Wastewater System;

- d) To provide for a system of rates, fees, and charges for various types of use of the Wastewater System;
- e) To provide for a system of Permits or other permissions that facilitate the imposing of conditions on Releases to the Wastewater System.

### 1.3 Definitions

In this Bylaw, unless the context otherwise requires:

- a) ACCREDITED LABORATORY means a laboratory accredited by the Canadian Association for Laboratory Accreditation Inc., the Standards Council of Canada, or an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement, using the criteria and procedures outlined in “ISO/IEC/EN 17025: General Requirements for Competence of Calibration and Testing Laboratories” established by the International Organization for Standardization.”
- b) ANIMAL WASTE means all forms of waste from animals or the treatment of animals and includes animal carcasses or parts.
- c) APARTMENT BUILDING means a single building comprised of five or more dwelling units with shared entrance facilities.
- d) BIOMEDICAL WASTE means medical waste that requires proper handling and disposal because of environmental, aesthetic, health, or safety concerns and includes but is not limited to:
  - Human anatomical waste;
  - Infectious human waste;
  - Infectious Animal Waste;
  - Microbiological waste;
  - Blood and body fluid waste; and
  - Medical sharps, such as needles, syringes, blades, or other clinical or laboratory materials capable of causing punctures or cuts.
- e) BIOSOLID means a solid or semi-solid Substance produced from Wastewater treatment processes that may be beneficially recycled.
- f) BOD or BIOCHEMICAL OXYGEN DEMAND means the quantity of oxygen utilized in the oxidation of matter under standard laboratory conditions for 5 days at 20 degrees Celsius as set out in Standard Methods.
- g) BTEX means the total of benzene, toluene, ethyl benzene, and xylenes.
- h) BYLAW means Bylaw 1632 also known as the Wastewater Utility Bylaw.

- i) CAN/CSA B481 refers to the 2007 edition of the Canadian Standards Association publication titled 'Grease Interceptors'.
- j) CAO means the Chief Administrative Officer of the Town of Pincher Creek as appointed by Town Council and includes any Person authorized by them to act for or carry out the duties of the CAO to the extent that authorization is given.
- k) CLEAR WATER WASTE means water originating from sources other than Wastewater streams and includes the following:
  - Roof and Foundation Drainage;
  - Remediated Groundwater;
  - Impounded Storm Drainage or impounded Groundwater;
  - Non-Contact Cooling Water;
  - A Release as directed by Alberta Environment.
- l) COD or CHEMICAL OXYGEN DEMAND means the quantity of oxygen utilized in the chemical oxidation of matter as set out in Standard Methods.
- m) COMMON WASTEWATER SERVICE means a Wastewater service provided to 2 or more Premises by means of a single Connection.
- n) CONNECTION means a pipe or conduit installed between a Premises and the Wastewater System for the purpose of draining Wastewater from the Premises.
- o) COUNCIL means the Council of the Town of Pincher Creek elected pursuant to the provisions of the *Local Authorities Elections Act*.
- p) CUSTOMER means any Person, any other municipal corporation, the Government of Alberta, or the Government of Canada, whose property is connected to the Wastewater System or any lessee or occupant of such property, or any Person who requests Wastewater services or has applied for an account or is otherwise responsible for paying such account for Wastewater services.
- q) DOMESTIC WASTEWATER means Wastewater generated from Premises as a result of human living processes, including cooking, cleaning, washing, drinking or other domestic activities.
- r) EFFLUENT METER means a device that measures the volume of Wastewater Released into the Town's Wastewater System.
- s) EMERGENCY includes a situation in which there is imminent danger to public safety or of serious harm to property.
- t) EXTRA STRENGTH WASTEWATER means Wastewater that contains one or more of the Substances described in Schedule "C" in excess of the concentration limits set out for those Substances.

- u) FLAMMABLE LIQUID means a Substance that is a liquid, or a mixture of liquids, or a liquid containing solids that has a flash point of not more than 61 degrees Celsius as determined by the American Society for Testing Materials method D93-08 for flash point by the Pensky-Martens closed cup tester.
- v) FOG or FATS, OILS, AND GREASE means organic matter extracted by n-hexane using the partition gravimetric procedure set out in Standard Methods.
- w) FOUNDATION DRAINAGE means water collected beneath the surface of the ground by a foundation drain, weeping tile, Sump pump or other similar means.
- x) GRAB SAMPLE means a single sample of Wastewater, Clear Water Waste or Groundwater collected at a specific time and at a specific location.
- y) GROUNDWATER means all water under the surface of the ground.
- z) HAULED WASTEWATER means Wastewater, Septage, FOG or Waste Residue that is transported by a vehicle to a designated site for disposal to the Wastewater System.
- aa) HAZARDOUS WASTE means and waste or Substance that is generated from any Premises and has one or more hazardous properties as described in the *Environmental Protection and Enhancement Act*, as amended or any act passed in replacement of it.
- bb) HYDROCARBONS means non-polar organic matter extracted by n-hexane using the partition gravimetric procedure set out in Standard Methods.
- cc) ICI PREMISES means industrial, commercial, or institutional Premises.
- dd) INTERCEPTOR means a type of Pre-Treatment System.
- ee) MANIFEST means the documentation accompanying Hauled Wastewater.
- ff) MONITORING ACCESS POINT means an access point in or on a Premises that allows for the observation, sampling and flow measurement of Wastewater entering the Wastewater System and includes a test manhole.
- gg) NEGATIVE IMPACT means impairment of or damage to, or the ability to cause impairment to:
  - The Wastewater System;
  - Human health or safety;
  - Property; or
  - The environment.
- hh) NON-CONTACT COOLING WATER means water used in a process for the purpose of removing heat and that has not, by design, come into contact with any additional Substance.

- ii) NON-RESIDENTIAL METERED means a Premises connected to the Water System where the Premises is classified as anything other than those described under the Residential Metered definition, including but not limited to:
  - multi-family developments containing more than one (1) residential unit, with a single Water Meter;
  - mixed-use developments, metered by the Town;
  - commercial uses, metered by the Town;
  - industrial uses, metered by the Town;
  - churches, metered by the Town;
  - schools, metered by the Town; or
  - properties owned and operated by non-profit organizations, metered by the Town.
  
- jj) OCCUPANT includes an Owner of a Premises where that Owner resides or carries on a business within a Premises and includes any Person or corporation residing or carrying on a business, or both, within a Premises either as a lessee or pursuant to a license of occupation, where that Premises is connected to the Wastewater System.
  
- kk) OWNER means a Person who is one or more of the following:
  - the registered Owner of the land; or
  - a purchaser of the land whose interest as a purchaser is shown on the certificate of title to that land.
  
- ll) PCB or POLYCHLORINATED BIPHENYL means any of the following:
  - i. monochlorinated biphenyl;
  - ii. polychlorinated biphenyl;
  - iii. any mixture that contains either i. or ii.,
  - iv. any mixture that contains both i. and ii.;
  
- mm) PEACE OFFICER means a member of the Royal Canadian Mounted Police, Community Peace Officer, or Bylaw Enforcement Officer as appointed by the Town of Pincher Creek.
  
- nn) PERMIT means a form of approval, in writing, issued by the CAO as applicable.
  
- oo) PERSON includes 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.



- pp) PESTICIDE means a Pesticide as defined and regulated in the *Environmental Protection and Enhancement Act*.
- qq) PHARMACEUTICAL means prescription and non-prescription drugs.
- rr) PREMISES includes lands and buildings or both, or a part thereof.
- ss) 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 Wastewater System, and includes Interceptors, Separators, and Sumps.
- tt) PRIVATE WASTEWATER SYSTEM means a privately owned system for the collection, treatment, and disposal of Wastewater, and may include a septic tank with an absorption field or other approved means of disposal.
- uu) PROHIBITED SUBSTANCE means any of the Substances described in Schedule "A" of this Bylaw.
- vv) QUALIFIED PERSON means a Person who is qualified to determine the truthfulness, accuracy and completeness of information relating to a specific subject matter because the Person possesses either one, or both, of the following:
- i. a recognized degree, certificate, or professional standing in respect of the subject matter;
  - ii. extensive knowledge, training, and experience in respect of the subject matter.
- ww) RADIOACTIVE MATERIAL means a nuclear Substance as defined in the *Nuclear Safety and Control Act*.
- xx) RELEASE means:
- To directly or indirectly conduct a Substance to the Wastewater System or a watercourse by spilling, discharging, disposing or, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means; or
  - a spill, Release, disposal, abandonment, deposit, leak, seep, pour, drain, or emptying of a Substance into the Wastewater System or a watercourse.
- yy) REMEDIAL ORDER means a Remedial Order written pursuant to section 545 of the *Municipal Government Act*.
- zz) RESIDENTIAL METERED means a Premises connected to the Water System used for residential purposes, including:
- a single-family dwelling, individually metered by the Town;
  - a modular and/or manufactured home, individually metered by the Town; or
  - multi-family developments containing more than one (1) residential unit, with each unit having individual Water Meters.

- aaa) RESTRICTED SUBSTANCE means a Substance described in Schedule “B” of this Bylaw.
- bbb) RETURN FACTOR means the adjustment factor applied to convert a volume of water, as measured by a Water Meter, into a volume of Wastewater by subtracting the volume of water not returned to the Wastewater System.
- ccc) SEPARATOR means a type of Pre-Treatment System.
- ddd) SEPTAGE means Wastewater removed from a cesspool, septic tank system, privy vault or privy pit, chemical toilet, portable toilet, or other Wastewater holding structure.
- eee) STANDARD METHODS means the analytical and examination procedures set out in the current edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.
- fff) STORM DRAINAGE means Surface Runoff and uncontaminated water when discharged to the Storm Drainage System from foundation, roof and underground drains, weeping tile, Groundwater, and Surface Runoff.
- ggg) STORM DRAINAGE SYSTEM means the system for collecting, transmitting, storing, treating, and disposing of Storm Drainage and Foundation Drainage, but does not include plumbing or service Connections in Premises.
- hhh) SUBSTANCE means any one or more of the following:
  - any solid matter;
  - any liquid matter;
  - any gaseous matter;
  - any sound, vibration, radiation, or other form of energy,
  - any combination of the above.
- iii) SUMP means a device that traps large, heavy solids from the Wastewater before the Wastewater is Released into the Wastewater System or Storm Drainage System.
- jjj) TKN or TOTAL KJELDAHL NITROGEN means organically bound nitrogen plus ammonia nitrogen, as determined by procedures approved by the CAO.
- kkk) TN or TOTAL NITROGEN means TKN plus nitrates and nitrites, as determined by procedures approved by the CAO.
- lll) TOWN means the municipal corporation of the Town of Pincher Creek.
- mmm) TP or TOTAL PHOSPHORUS measures all forms of phosphorus, including orthophosphate, condensed phosphate, and organic phosphate, as determined by procedures approved by the CAO.

- nnn) TSS or TOTAL SUSPENDED SOLIDS means an insoluble Substance or Substances in liquid that is removable by filtration, as determined by the appropriate procedure described in Standard Methods.
- ooo) UTILITY and shall mean and include, as the context may require:
- The supply of water;
  - The provision of Wastewater collection and treatment;
  - The provision of Storm Drainage collection, treatment, and disposal; or
  - The provision of solid waste management services including garbage collection and recycling services.
- ppp) WASTE RESIDUE means all Substances removed from Wastewater by a Pre-Treatment System.
- qqq) WASTEWATER AGREEMENT means an agreement governing any of the following:
- i. conditions related to the Release of Wastewater from a Premises to the Wastewater System; or
  - ii. conditions related to Connection of a Premises to the Wastewater System.
- rrr) WASTEWATER CHARGE means a charge levied pursuant to the provisions of this Bylaw that:
- i. include monthly service charges and/or usage charges as outlined in Schedule "D" to this Bylaw; and
  - ii. does not include a Wastewater Surcharge.
- sss) WASTEWATER INFORMATION REPORT means a report containing information for the purpose of evaluating Wastewater Released from ICI Premises.
- ttt) WASTEWATER means the composite of water and water-carried Substances Released from Premises or from any other source.
- uuu) WASTEWATER MAIN means a sewer pipe in the street, public thoroughfare or easement area granted to the Town, which forms part of the Wastewater System and carries the Wastewater from Wastewater Service Connections to a Wastewater Treatment Facility.
- vvv) WASTEWATER SERVICE CONNECTION means a sewer pipe which connects a Customer's Parcel or Premises to a Town Wastewater Main.
- www) WASTEWATER SURCHARGE means an additional charge levied for discharging Wastewater that exceeds the limits set out in Schedule "C" of this Bylaw.
- xxx) WASTEWATER SYSTEM means the system owned and operated by the Town for the collection, transmission, treatment, and disposal of Wastewater.

- yyy) WASTEWATER TREATMENT FACILITY means a facility that stores, treats, and disposes of Wastewater, but which is not part of the Wastewater System.
- zzz) WATER METER means a device owned and installed by the Town, or approved by the CAO that measures the volume of water used by a Customer; and which may or may not incorporate a remove-reading device.

#### **1.4 Interpretation**

- a) All references in this Bylaw shall read with such changes in number and gender as may be considered appropriate according to whether the reference is made to any gender, or a corporation or partnership.
- b) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- c) Any headings, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- d) All schedules attached to this Bylaw shall form part of this Bylaw.
- e) Where this Bylaw cites or refers to any other Act, bylaw, regulation, agency, organization, or publication, the citation or reference is to the Act, bylaw, regulation, agency, organization, or publication as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any Act, bylaw regulation, agency, organization, or publication that may be substituted in its place.
- f) Any contract between the Town and a Customer with respect to Wastewater shall be subject to this Bylaw.

#### **1.5 Compliance with Other Laws**

- a) Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, agency, organization, other bylaw, or any requirement of any lawful permit, order, or license.

### **2. GENERAL**

#### **2.1 Wastewater Treatment Facilities**

- a) A Person must not install or operate a Wastewater Treatment Facility that treats Wastewater from a source external to that Wastewater Treatment Facility unless:
  - i. the Person obtains written approval from the CAO; and
  - ii. the Person complies with all conditions or requirements as required by the CAO for the installation and operation of the Wastewater Treatment Facility.
- b) If all conditions or requirements as required by the CAO pursuant to subsection a) are not complied with, the CAO may, considering the severity of the breach or breaches of compliance with the conditions or requirements, do any of the following:

- i. issue a Remedial Order;
  - ii. suspend the written approval for a period of time to be determined by the CAO in their discretion;
  - iii. revoke the written approval.
- c) If a written approval to install or operate a Wastewater Treatment Facility is suspended or revoked by the CAO pursuant to subsection b), the CAO will notify the Person of the suspension or revocation and the reasons for it by:
- i. delivering a notice to the Person, or that Person's representative, Personally; or
  - ii. mailing a registered letter to the Person's place of business as shown on the Person's application for a written approval to install or operate a Wastewater Treatment Facility.
- d) A suspension or revocation issued by the CAO pursuant to subsection b) may be appealed to Town Council by filing a notice of appeal with the Town not later than 14 days after the day on which the suspension or revocation was issued.

## **2.2 Obligations of the Owner**

- a) Where a Wastewater service is continued or initiated pursuant to this Bylaw, the Owner shall be responsible for the following:
- i. providing the Wastewater Service Connection from the property line or boundary of an easement granted to the Town for its Wastewater System to the Customer's Plumbing System;
  - ii. ensuring that the Connections referred to in subsections i. and ii. are in compliance with the provisions of this Bylaw;
  - iii. ensuring that the Connection referred to in subsections i. and ii. and the remainder of the Customer's Plumbing System comply with the *Safety Codes Act* (R.S.A. 2000, c. S-1) and any regulations passed pursuant to that Act;
  - iv. ensuring that any permits, inspections, or approvals required pursuant to the *Safety Codes Act*, regulations passed pursuant to that Act, any bylaw or any other applicable legislation have been conducted or obtained and are valid and subsisting, prior to connection to the Wastewater System; and
  - v. ensuring that such Connection does not interfere with the operation of the Wastewater System.
- b) An Owner of a Premises that is serviced by a Wastewater Service Connection must notify the CAO in writing when the Wastewater Service Connection is being discontinued and requires disconnection.
- c) In making an application pursuant to this Bylaw, no Person shall give false information.

- d) Every Person who relies on a written approval issued pursuant to this Bylaw has the onus of proving that they were the holder of a valid and subsisting approval.
- e) An Owner is responsible for all costs associated with any of the following:
  - i. the implementation of any measures taken, or required to be taken, by either the Owner or the Town to meet the requirements of this Bylaw;
  - ii. damage or harm to the Wastewater System resulting from the Owner's contravention of the requirements of this Bylaw.

### **2.3 Obligation to Report**

- a) A Person is required to report to the Town any connections or equipment located on a Premises that do not comply with the requirements of the *Safety Codes Act* or this Bylaw.

### **2.4 Limitation of Liability**

- a) The Town, its contractors, servants and agents, or employees shall not be liable for damages or loss suffered by any Person due to the operation of the Wastewater System, unless such damages or loss are shown to be directly due to the negligence of the Town or its employees, and without limiting the generality of the foregoing, shall not be liable for damages or loss resulting from any of the following:
  - i. the settlement of an excavation or trench made for the installation, maintenance, or repair of any part of the Wastewater System, or any damage or loss resulting from such settlement;
  - ii. the break of any Wastewater Main, Wastewater Service Connection, or other pipe;
  - iii. the disruption of the Wastewater System when the disruption is necessary for the repair or maintenance of the Wastewater System;
  - iv. the disruption of the Wastewater System in the event of an Emergency.

## **3. AUTHORITY**

### **3.1 Authority of the CAO**

- a) The CAO may:
  - i. establish a system for the billing and collection of any rates, charges, and fees in relation to the Wastewater System.
  - ii. establish rates, charges, or fees for any work done or service or material supplied for the construction, installation, connection, disconnection, maintenance, inspection, repair, or replacement of any of the following:
    - a. Any part of the Wastewater System;

- b. Any part of a Customer's Plumbing System located on private property.
- iii. establish standards and guidelines for the maintenance and physical operations of the Wastewater System.
- iv. establish standards, guidelines and specifications for the design, construction, and management of the Wastewater System.
- v. subject to any provisions of this Bylaw, discontinue any Utility service and continue to refuse to provide any Utility service until such time as the deficiency is corrected, if a Customer or Owner fails or refuses to repair, maintain, or replace any leak or leaks between a private property line and a Customer's Plumbing System.
- vi. subject to any provisions of this Bylaw, enter into contracts on behalf of the Town with any Customers within the Town for the provision of Wastewater services and may, as a condition of service, impose any conditions to the provision of Wastewater services in such contracts that the CAO considers reasonable and appropriate in the circumstances, including provision that if a Customer fails to comply with the requirements of this Bylaw or the terms of the contract, that Utility service may be discontinued.
- vii. subject to any provisions of this Bylaw, require any Customer to enter into a contract with the Town for the provision of Wastewater services, prior to such services being provided.
- viii. subject to any provisions of this Bylaw, refuse to supply, discontinue water and/or Wastewater service, and continue to refuse to provide water and/or Wastewater service until such time as the deficiency is corrected, if a Customer or Owner has:
  - a. provided false information in an application for service;
  - b. failed to keep an account in good standing;
  - c. refused to allow the installation or repair of a Water Meter or Effluent Meter;
  - d. failed to comply with this Bylaw;
  - e. failed to comply with a term or condition of a Wastewater Agreement, or other written approval issued pursuant to this Bylaw; or
  - f. failed to comply with a condition of Wastewater service.
- ix. subject to the approval of Council, enter into an agreement to provide Wastewater service to a Customer or Customers outside the Town limits.

### **3.2 Powers of Delegation**

- a) The CAO may delegate any or all of the powers granted to them pursuant to this Bylaw.

### **3.3 Disconnections**

- a) The CAO may do either, or both, of the following:
  - i. take any action required to prevent a Release from entering the Wastewater System, including shutting off, disconnecting, or sealing off the water and/or Wastewater service at the Premises from which the Release is made;
  - ii. continue any action taken under subsection i. until the Owner of the Premises produces sufficient evidence, as may be required by the CAO that a Release having a Negative Impact will not be made to the Wastewater System from the Premises.
- b) An Owner of Premises from which a Release having a Negative Impact enters the Wastewater System is responsible for all costs associated with the CAO's actions taken pursuant to subsection a).

## **4. ADMINISTRATION OF WASTEWATER UTILITY**

### **4.1 Administration of Utility Accounts**

- a) All Utility accounts for a Parcel or Premises must be registered with the Town in the same name.
- b) Utility accounts registered to renters, tenants, and/or any Occupant of a Premises other than the Owner as of September 1, 2022 will remain in effect until one of the following conditions are met:
  - i. There has been a disconnection of Utility service for account arrears; or
  - ii. A tenant is in arrears and there is no separate shut-off valve in a multi-occupied building; or
  - iii. The existing tenant vacates the Premises.
- c) If one or any of the conditions in subsection b) occurs, all Utilities related to that Premises will be the responsibility of the registered Owner of the property.

### **4.2 Wastewater Charges**

- a) The Owner of Premises connected to the Town's Wastewater System must pay to the Town a Wastewater Charge.
- b) The following Customers shall be exempt from Wastewater Charges until such time as a Wastewater Main is installed adjacent to these lots:
  - i. Plan 9711875; Block 1; Lots 2, 3;



- ii. Plan 9711875; Block 2; Lots 2, 3, 4;
  - iii. Plan 9812173; Block 1; Lots 4, 5, 6, 7, 8; and
  - iv. Plan 9812173; Block 2; Lots 5, 6, 7, 8, 9, 10, 11, 12.
- c) Council shall set rates and fees for all Customers for the following:
- i. monthly service charges and Wastewater usage rates;
  - ii. monthly flat rates;
  - iii. Wastewater Surcharge rates; and
  - iv. Wastewater service fees.
- d) Rates and fees set by Council pursuant to subsection c) shall be set out in the schedules of this Bylaw and the Town's Fee Structure Bylaw.
- e) No reduction in rates will be made in the monthly charge for Wastewater services provided to any Customer because of any interruption due to any cause whatsoever of the Water System and/or Wastewater System.
- f) The CAO shall have sole discretion in determining which rate and/or fees shall apply to a Customer.

#### **4.3 Rates and Fees**

- a) Residential Metered
- i. Where Wastewater service is provided to a Residential Metered Customer, the Customer shall pay to the Town a monthly charge of the aggregate of:
    - a. the monthly service charge as set out in section 1 of Schedule "D" to this Bylaw; and
    - b. the amount determined by the volume of water shown by the Water Meter, multiplied by the Return Factor as set out in Schedule "I" to this Bylaw, charged at the rate set out in section 2 of Schedule "D" to this Bylaw.
- b) Residential Flat
- i. Where Wastewater service is provided to a residential Customer through a single Wastewater Service Connection, in which no Water Meter is used for billing purposes, the Customer shall pay for the Wastewater at a monthly charge as set out in section 1 of Schedule "D" to this Bylaw.
- c) Non-Residential Metered
- i. Where Wastewater service is provided by the Town through a Wastewater Service Connection to a Customer other than under sections 4.3 a), b), the

Customer shall be considered Non-Residential Metered and pay to the Town a monthly charge of the aggregate of:

- a. the monthly service charge as set out in section 1 of Schedule “D” to this Bylaw, and
  - b. the amount determined by the volume of water shown by the Water Meter, multiplied by the Return Factor as set out in Schedule “I” to this Bylaw, charged at the rate set out in section 2 of Schedule “D” to this Bylaw.
- d) Outside Town
- i. Where Wastewater service is provided to any Customer outside the Town, that Customer shall pay to the Town the rates approved by Council as set out in Schedule “F” of this Bylaw.
- e) Alternatively Sourced Water
- i. Premises served in whole or in part with water from a source other than the Town’s water supply:
    - a. must pay to the Town, in addition to the Wastewater Charges set out in sections a), b), c), or d), the charge set out in section 3 of Schedule “D”;
    - b. must install either an Effluent Meter or a Water Meter, or both an Effluent Meter and Water Meter, as may be required by the CAO to allow for determination of the Wastewater Charge for the Premises;
    - c. may have the volume of Released Wastewater estimated by the CAO to determine the Wastewater Charge for the Premises if the Premises is not equipped with either an Effluent Meter or a Water Meter, or with both an Effluent Meter and Water Meter, as may be required by the CAO under subsection b.
- f) In the event that information upon which a Wastewater Charge is based proves to be in error, the CAO may estimate the Wastewater Charge for the period during which the error occurred.
- g) A reduction in the monthly Wastewater Charge will not be made as a result of an interruption or failure of the Water System and/or Wastewater System, however caused.

#### **4.4 Exemptions**

- a) Irrigation
  - i. A water line used exclusively for irrigation purposes and metered in a manner satisfactory to the CAO is exempted from all Wastewater Charges and Wastewater Surcharges.
- b) Effluent Meters

- i. The CAO may exempt from Wastewater Charges and Wastewater Surcharges the amount of water not Released to the Wastewater System from a Premises if:
  - a. metered water is supplied to the Premises and all of that water is not Released to the Wastewater System; and
  - b. the amount of water not Released to the Wastewater System can be measured to the satisfaction of the CAO.
- ii. An exemption granted pursuant to this section by the CAO will be determined using only metering equipment and methods of calculation approved by the CAO.

#### **4.5 Payments**

- a) In default of payment of the rates set out in any of the Schedules to this Bylaw or the Fee Structure Bylaw, for any amount due and payable to the Town for anything done, or any amounts payable, pursuant to this Bylaw, the CAO may enforce the collection of such rates or payments by refusing any Utility service supplied to the Customer, or by action in any Court of competent jurisdiction, or both.
- b) Where the Occupant is the Owner or purchaser under an agreement for sale in possession of the Parcel or Premises to which water is supplied or is available for the use of the Occupant, all sums payable by the Occupant pursuant to this Bylaw including the rates set out in any of the Schedules to this Bylaw of the Fee Structure Bylaw, are a debt due and owing to the Town and shall constitute a preferential lien and charge on the Parcel or Premises and the personal property of the Occupant and may be levied and collected in a like manner as municipal rates and taxes are recoverable.
- c) Where the Occupant is other than the Owner or the purchaser under an agreement for sale all sums payable by the Occupant pursuant to this Bylaw including the rates set out in any of the Schedules to this Bylaw or the Fee Structure Bylaw, are a debt due and owing to the Town and shall constitute a Preferential Lien and charge on the Occupant's personal property and may be levied and collected with costs by distress.

### **5. GENERAL PROHIBITIONS**

#### **5.1 Access to the Wastewater System**

- a) A Person must not, without prior approval from the CAO, uncover, open into, break, alter, remove, damage, destroy, or tamper with, or allow the uncovering, opening into, breaking, altering, removing, damaging, destroying, or tampering with any of the following:
  - i. any part of the Wastewater System;
  - ii. a Monitoring Access Point;
  - iii. any permanent or temporary device installed in or on the Wastewater System for the purposes of flow measuring, sampling, testing, or contamination prevention.

- b) A Person must not obstruct or prevent access to a Monitoring Access Point, or act in a manner that obstructs or prevents access to a Monitoring Access Point, including doing any of the following actions:
  - i. parking a vehicle of any kind over a Monitoring Access Point;
  - ii. planting shrubbery, trees or other plants that obstruct or prevent access to a Monitoring Access Point;
  - iii. constructing a fence or any other structure that obstructs or prevents access to a Monitoring Access Point;
  - iv. piling snow, wood, or any other material on top of a Monitoring Access Point;
  - v. enclosing a Monitoring Access Point.
- c) A Person must not enter into any chamber, structure, or Premises associated with the Wastewater System without prior approval from CAO.
- d) A Person who contravenes the requirements of this Bylaw, and such contravention results in damage or harm to the Wastewater System, must compensate the Town for the cost of repair or replacement of any part, or parts, of the Wastewater System that the Person damaged or harmed.

## 5.2 Wastewater Re-Use

- a) Wastewater must not be re-used for any purpose without written approval from both:
  - i. the CAO; and
  - ii. a Safety Codes Officer, as described in the *Safety Codes Act*, acting on behalf of the Town.
- b) The CAO or a Safety Codes Officer, as described in the *Safety Codes Act*, acting on behalf of the Town, may impose conditions on an approval granted for Wastewater re-use, including any of the following:
  - i. limits on the types of applications for which Wastewater may be re-used;
  - ii. requirements for reporting on applications, risks, volumes, and any other information the CAO may require.
- c) A Person who fails to comply with a condition imposed by the CAO or a Safety Codes Officer, as described in the *Safety Codes Act*, acting on behalf of the Town, pursuant to subsection b), is guilty of an offence under this Bylaw.

## 5.3 Release of Substances

- a) A Person must not Release or allow the Release of any Wastewater into the Wastewater System that:
  - i. contains a Substance described in Schedule "A";

- ii. contains a Substance that is above the approved concentration limit as described in Schedule “B” or Schedule “C”; or,
  - iii. does not comply with the requirements of this Bylaw.
- b) Despite subsection a), the CAO may grant written approval to allow Wastewater that does not meet the requirements of subsection a) to enter the Wastewater System provided that the Wastewater does not have a Negative Impact.
- c) In granting written approval pursuant to subsection b), the CAO may impose any conditions that the CAO deems necessary, including any one or more of the following:
  - i. that the Wastewater is tested at regular intervals in accordance with the CAO’s instructions;
  - ii. that in respect of Extra Strength Wastewater, a Wastewater Surcharge calculated in accordance with Schedule “G” is paid;
  - iii. that the Person compensates the Town for all costs arising as a result of the Wastewater entering the Wastewater System;
  - iv. that the Person enters into a Wastewater Agreement with the Town subject to any conditions required by the CAO.
- d) A Person must not directly or indirectly dilute Wastewater for the purpose of complying with the requirements of this Bylaw as set out in Schedules “A”, “B” and “C”.

## 6. WASTEWATER SYSTEM REQUIREMENTS

### 6.1 Disposal

- a) Wastewater
  - i. The Owner of a Premises must dispose of Wastewater from the plumbing system in the Premises into one of the following:
    - a. The Wastewater System; or
    - b. A Private Wastewater System.
  - ii. A Person must not dispose of any Substance into the plumbing system of a Premise Prior to connection of the plumbing system to either the Wastewater System or a Private Wastewater System.
- b) Clear Water Waste
  - i. A Person must not Release, or allow to be Released, any Clear Water Waste into the Wastewater System, unless the Person obtains a Permit from the CAO to Release Clear Water Waste into the Wastewater System.

## 6.2 Access To Property for the Purposes of Wastewater Service

- a) Access For Authorized Purposes
  - i. As a condition of Wastewater service and as operational needs dictate, employees of the Town shall have free access to all parts of a property, building or other Premises in which Wastewater discharged into the Town's Wastewater System, at reasonable hours of the day and upon reasonable notice for the purpose of:
    - a. installation, maintenance, repair, and removal of the Wastewater System and Wastewater Service Connections;
    - b. installation, testing, repair and removal of Effluent Meters or other parts of the Wastewater System;
    - c. reading of Effluent Meters; and
    - d. inspections for compliance with this Bylaw.
  - ii. No Person shall hinder, interrupt, or cause to be hindered any employee of the Town or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to the Wastewater System as authorized or required in this Bylaw.
  - iii. Upon termination of Wastewater service, any employee of the Town employed for that purpose may, at all reasonable times enter the Parcel or Premises which is connected to the Town's Wastewater System for the purpose of removing from the Parcel or Premises any fittings, machines, apparatus, meters, pipes, or any other things that are the property of the Town and may remove these things.
  - iv. Employees of the Town may at any time specify the required position or require the relocation, at a property owner's expense, of any Effluent Meter, pipe, valve, or fitting forming part of the Wastewater System.
- b) Service Fees for Subsequent Site Visits
  - i. A fee may be charged, as set by the CAO, from time to time, where a Town employee or agent is required to make an additional visit or visits at a Parcel or Premises for any of the following reasons:
    - a. where a Customer refuses access to a Parcel or Premises for a Town employee or agent to install, repair, replace, inspect, test, or read an Effluent Meter or any other equipment in relation to the Wastewater System;
    - b. where a Town employee or agent attends at a Parcel or Premises for a scheduled appointment to perform any of the functions set out in subsection a), and the Customer is not present at the scheduled time to provide access to the Parcel or Premises; or
    - c. where a Town employee or agent attends at a Parcel or Premises to perform any of the functions set out in subsection a) and is unable

to proceed based on unsafe conditions or the inadequacy of access to the Parcel or Premises.

### 6.3 Wastewater Service Connections

- a) Obligations and Ownership
  - i. The Town shall be responsible for the installation of the Wastewater Service Connection which is on Town property, which runs from the Town Wastewater Main to a property line of the Parcel of land to be serviced, adjacent to a street or lane, or at the boundary of an easement granted to the Town for its Wastewater System, at the Owner's expense.
    - a. At the CAO's sole discretion, the Town may grant the Customer permission to organize their own contractor to perform the installation of the Wastewater Service Connection on Town property, in compliance with the current Town of Pincher Creek Engineering and Construction Standards, as amended from time to time, subject to a two (2) year warranty/maintenance period.
  - ii. The Town shall remain the owner of the Wastewater Service Connection on Town property after installation, and the Town shall remain responsible for the control, maintenance, repair, and replacement of that portion of the Wastewater Service Connection, thereafter at the sole discretion of the Town.
  - iii. Any Wastewater Service Connection, pipe line, or Wastewater system on private property, through which the Wastewater is conveyed from the Premises, which is located at the property line of the street or lane, or boundary of an easement area granted to the Town for its Wastewater System, to the Town's Wastewater Main shall be installed, maintained, repaired and replaced by the Owner at the Owner's expense, and without limiting the generality of the foregoing, as a condition of receiving Wastewater service from the Town, the Owner shall:
    - a. install such Wastewater Service Connections in compliance with the provisions of Town of Pincher Creek Engineering and Construction Standards, as amended from time to time; and
    - b. maintain such Wastewater Service Connections in a state of good repair, with sufficient protection from freezing, free from leakage, or other Wastewater loss to the satisfaction of the CAO.
  - iv. No Person, without the express permission of the CAO shall make any connection or contact whatsoever with any of part of the Wastewater System or Wastewater Mains.
- b) Changes to Existing Wastewater Service Connections
  - i. Any Owner wishing to relocate, replace, alter, or disconnect an existing Wastewater Service Connection must make application and receive approval of the CAO prior to commencing such work.

- ii. Where a change referred to in subsection i. is approved by the CAO, that Owner may have the work performed on the Town owned portion of the Water Service Connection by a qualified contractor at the Owner's sole expense.
- c) Number and Depth of Services
  - i. There shall not be more than one (1) Wastewater Service Connection to each Parcel without the express permission of the CAO.
  - ii. Wastewater Service Connections shall be buried to a depth of no less than 2.7 meters unless otherwise approved by the CAO.

#### **6.4 Release Quality**

- a) For the purpose of this section, "alter or expand" means the modification of an existing activity in or on ICI Premises that may result in an increased Wastewater volume or an increased amount of a Prohibited Substance, Restricted Substance, or Extra Strength Wastewater Substance in the Wastewater.
- b) The CAO may require a Wastewater Information Report completed by a Qualified Person from any Person that carries on, alters, or expands, or proposes to carry on or alter or expand an activity on an ICI Premises that is connected or proposing to be connected to the Wastewater System.

#### **6.5 Wastewater Agreement**

- a) A Person required by the CAO to submit a Wastewater Information Report may be required to enter into a Wastewater Agreement with the Town prior to releasing any Wastewater from the Premises into the Wastewater System.

#### **6.6 Pre-Treatment**

- a) General Requirements
  - i. The CAO may require an Owner to do any one or more of the following:
    - a. install, operate, monitor, and properly maintain at all times a Wastewater Pre-Treatment System that is located at a directly accessible location on the upstream side of a Monitoring Access Point at the Owner's Premises;
    - b. take steps to equalize either the composition or the flow rate of a Release, or both the composition and flow rate of a Release, from the Premises into the Pre-Treatment System or the Wastewater System;
    - c. provide access to the Wastewater Pre-Treatment System for inspection on the request of the CAO or a Peace Officer;
    - d. enter into a Wastewater Agreement.
  - ii. An Owner who fails to install, operate, monitor, provide access to and properly maintain at all times a Wastewater Pre-Treatment System as required by the



CAO pursuant to subsection i. a., b., or c. is guilty of an offence under this Bylaw.

- b) Waste Residue Disposal
  - i. A Person must not deposit, or allow to be deposited, any Waste Residue from a Pre-Treatment System into the Wastewater System unless the Person has obtained prior approval from the CAO.
- c) Records Maintenance
  - i. An Owner of Premises with a Pre-Treatment System installed in or on a Premises must do all of the following:
    - a. obtain and retain at the Premises any manuals, instructions and specifications related to the installation, operation, maintenance, and cleaning of the Pre-Treatment System installed at the Premises;
    - b. maintain a maintenance schedule and record of each maintenance for every Pre-Treatment System installed at the Premises for a period of two years, including records for disposal of Waste Residue;
    - c. submit to the CAO any records requested by the CAO described in a. and b. of this subsection.

#### **6.7 Sector Specific Pre-Treatment**

- a) Food Service Establishments
  - i. An Owner of a restaurant or other Premises that is connected directly or indirectly to the Wastewater System, and where food is cooked, processed, prepared, or where FOG is Released, must do all of the following:
    - a. install a FOG Interceptor at a directly accessible location on the upstream side of a Monitoring Access Point in or on the Premises that is designed and sized in accordance with CAN/CSA B481, and meets the requirements of the *National Plumbing Code* of Canada to prevent FOG from passing into the Wastewater System;
    - b. monitor, operate, properly maintain at all times, and clean each FOG Interceptor installed in or on the Premises in accordance with the requirements set by CAN/CSA B481 and in compliance with the manufacturer's instructions and specifications;
    - c. ensure that all Wastewater does not exceed the concentration limits for FOG, as set out in Schedule "C" of this Bylaw.
- b) Vehicle and Equipment Washing, Repair, and Maintenance
  - i. An Owner of a vehicle or equipment service station, repair shop or garage, or of a Premises where motor vehicles are repaired, lubricated, maintained, or washed, must do all of the following:

- a. install an Interceptor at a directly accessible location on the upstream side of a Monitoring Access Point in or on the Premises that is designed and sized in accordance with the requirements of the *National Plumbing Code of Canada* to prevent Hydrocarbons, Flammable Liquids and TSS from passing into the Wastewater System;
  - b. monitor, operate, properly maintain at all times, and clean each Interceptor installed in or on the Premises as required by the manufacturer's instructions and specifications;
  - c. ensure that all Wastewater does not exceed the concentration limits for Hydrocarbons, Flammable Liquids and TSS, as set out in Schedules "B" and "C" of this Bylaw.
- c) Dental Facilities
- i. An Owner of Premises from which dental amalgam may be Released into the Wastewater System must install a dental amalgam Separator on all fixtures that may Release dental amalgam waste containing mercury to the Wastewater System, and the Separator must be:
    - a. ISO 11143 certified, or meet the ISO 11143 efficiency standard;
    - b. located at a directly accessible location on the upstream side of a Monitoring Access Point in or on the Premises; and
    - c. monitored, operated, properly maintained, and cleaned as required by ISO 11143 and as required by the manufacturer's instructions and specifications.
- d) Prohibition on Bypassing Interceptors
- i. A Person must not use emulsifiers, enzymes, bacteria, solvents, hot water, or any other agent to facilitate the passage of FOG or Hydrocarbons through an Interceptor.

## 7. TESTING AND MONITORING

### 7.1 Monitoring Access Points

- a) An Owner of ICI Premises, or Owner of an individual business operation within ICI Premises must:
  - i. provide one or more Monitoring Access Points for the monitoring of Wastewater, designed and located in a manner satisfactory to the CAO; and
  - ii. provide direct access to any Monitoring Access Point located on the Premises.

### 7.2 Monitoring

- a) The CAO may order the monitoring of Wastewater Released from Premises connected to the Wastewater System.

- b) If the CAO determines that the characteristics and qualities of the Wastewater Released from a Premises do not comply with the requirements of this Bylaw, the CAO may require the Owner of the Premises from which the Wastewater is produced to do and or all of the following:
  - i. monitor Wastewater in compliance with any conditions specified by the CAO;
  - ii. install and utilize any monitoring equipment that the CAO decides is necessary; and/or
  - iii. provide the results of the monitoring to the CAO.

### **7.3 Testing and Surcharges**

- a) The CAO may, for the purpose of determining compliance with this Bylaw, or for determining a Wastewater Surcharge, do one or more of the following:
  - i. enter upon Premises from which Wastewater is produced and conduct testing of Wastewater;
  - ii. conduct testing of Wastewater at any Monitoring Access Point located in or on the Premises;
  - iii. test discrete Wastewater streams within a Premises.
- b) For the purpose of subsection a), the CAO may use an automated sampling device or follow a manual sampling protocol and do either, or both, of the following:
  - i. take samples of the effluent produced at a Premises each day for a minimum of two days;
  - ii. take a minimum of four Grab Samples of equal volume at a Premises at least one hour apart on each day.
- c) The CAO will conduct an analysis of the Wastewater on a composite of the Grab Samples from each day, and the results will be averaged to determine the characteristics and concentration of the effluent being Released into the Wastewater System from the Premises.
- d) Despite subsections b) and c), the CAO may rely on a single Grab Sample taken in or on a Premises to determine if the Wastewater produced at the Premises meets the requirements of this Bylaw.
- e) If there is more than one Monitoring Access Point servicing a site, the CAO may estimate proportions of samples collected from each Monitoring Access Point for the purpose of determining the Wastewater Surcharge.
- f) The CAO may use the results of testing performed on samples collected from a single Monitoring Access Point to determine the Wastewater Surcharge applied to all Premises connected to a Common Wastewater Service if:
  - i. a Common Wastewater Service pipe connects multiple Premises, each served by a separate Water Meter, to the Wastewater System; and

- ii. a single Monitoring Access Point is maintained for all the Premises.
- g) All tests, measurements, analyses and examinations of Wastewater, its characteristics, or contents pursuant to this Bylaw shall be carried out in accordance with Standard Methods or a procedure approved by the CAO and be performed by an Accredited Laboratory that is accredited for analysis of the particular Substance using a method that is within the laboratory's scope of accreditation.

## **8. HAULED WASTEWATER**

### **8.1 Hauled Wastewater Release Authorization**

- a) Authorization of any Release of Hauled Wastewater shall be at the sole discretion of the CAO.
- b) A Person releasing or allowing the Release of Hauled Wastewater at a facility operated or approved by the Town must:
  - i. In the case of Release into a Town operated facility, obtain written approval from the CAO; or
  - ii. In the case of Release into a privately operated facility, enter into a Hauled Wastewater agreement with the Town.
- c) A person releasing or allowing the Release of Hauled Wastewater must pay any fees and charges related to the authorization as specified in Schedule "H".
- d) A Person must not Release or allow the Release of Hauled Wastewater at a location that has not been authorized by the CAO.
- e) A Person who fails to use a Hauled Wastewater facility for Hauled Wastewater in accordance with all verbal, posted, or written instructions, and such failure results in soiling, damage, or harm to any part of the Wastewater System, must compensate the Town for the costs of clean-up, repair or replacement of that part, or parts, of the Wastewater System that the Person soiled, damaged, or harmed.

### **8.2 CAO's Authority**

- a) The CAO may do any of the following:
  - i. place any condition on a Hauled Wastewater authorization that the CAO decides is necessary;
  - ii. suspend or revoke a Hauled Wastewater authorization.
- b) A revocation of a Hauled Wastewater authorization may be appealed to the Town Council by filing a notice of appeal with the Town not later than 14 days after the day on which the Hauled Wastewater authorization was revoked.

## 9. UNLAWFUL, UNAUTHORIZED, AND ACCIDENTAL RELEASES

### 9.1 Release Reporting

- a) Any Person who Releases or allows a Release of a Substance into the Wastewater System in contravention of this Bylaw must take all reasonable measures to immediately notify:
  - i. the 911 Emergency telephone number if there is any damage or immediate danger to any one or more of the following:
    - a. human health or safety;
    - b. property;
    - c. the environment;
    - d. the Wastewater System;
  - ii. the CAO;
  - iii. the Owner of the Premises where the Release occurred; and
  - iv. any other Person that may be affected by the Release.
- b) A Person reporting the Release described in subsection a) must supply the following information:
  - i. the name and contact information of the Person reporting the Release;
  - ii. the time of the Release;
  - iii. the location of the Release;
  - iv. the type of material Released and any known associated hazards;
  - v. the volume of material Released; and
  - vi. any corrective action being taken, or proposed to be taken, to control the Release.
- c) The CAO may require the Owner, or the Person responsible for the Release described in subsection a), to do either, or both, of the following:
  - i. compensate the Town for all costs incurred by the Town with respect to the Release, including containment, sampling, testing, inspection, removal, cleanup, disposal, and any other activity related to the Release;
  - ii. submit to the CAO a written report describing the cause of the Release and the steps or procedures to be taken to prevent or eliminate similar future Releases.
- d) An Owner or Person who fails to submit a written report required by the CAO pursuant to subsection c) ii. is guilty of an offence under this Bylaw.

- e) A Person who Releases or allows a Release of a Substance into the Wastewater System in contravention of this Bylaw must immediately take all reasonable measures to mitigate the Release.

## 10. APPROVALS AND REQUIREMENTS

### 10.1 Conditions of Approvals

- a) A written approval given by the CAO pursuant to this Bylaw, or an agreement entered into with the Town pursuant to this Bylaw, must be available for inspection on the request of the CAO or a Peace Officer.
- b) A Person is guilty of an offence pursuant to this Bylaw if the Person does any one or more of the following:
  - i. contravenes a requirement of the CAO;
  - ii. contravenes a requirement or condition of a written approval or Permit given by the CAO;
  - iii. contravenes a requirement or condition of an agreement entered into by the CAO with the Person.
- c) Every Person who relies on a written approval issued pursuant to this Bylaw has the onus of proving that they were the holder of a valid and subsisting approval or Permit.

## 11. OFFENCES, PENALTIES, AND ENFORCEMENT

### 11.1 Owner of Motor Vehicle Liability

For the purposes of this section, "Owner", "Driving" and "Motor Vehicle" have the same meaning as set out in the *Traffic Safety Act*, R.S.A. 2000, c. T-6:

- a) If a motor vehicle is involved in an offence described in this Bylaw, the Owner of the motor vehicle is guilty of the offence.
- b) Subsection a) does not apply if the Owner of the motor vehicle satisfies the Court that:
  - i. the Owner was not driving the motor vehicle at the time of the offence; and
  - ii. the Person driving the motor vehicle at the time of the offence did not have the Owner's express or implied consent to be driving the motor vehicle.
- c) Despite subsection a), if the Owner was not driving the motor vehicle at the time of the offence, the Owner is not liable for imprisonment.

### 11.2 Offences and Penalties

- a) Any Person who contravenes any provision of this Bylaw by:
  - i. doing any act or thing with the Person is prohibited from doing; or
  - ii. failing to do any act or thing which the Person is required to do, including:

- a. failing to comply with a requirement imposed by the CAO;
- b. failing to comply with a condition of a written approval or Permit given by the Town; or
- c. failing to comply with a requirement or condition of an agreement entered into by the Town with the Person;

is guilty of an offence.

- b) Any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- c) Any Person who is convicted of an offence pursuant to this Bylaw is liable for every day or part thereof upon which such offence occurs or continues, on summary conviction to a fine not exceeding ten-thousand dollars (\$10,000) or imprisonment for not more than one (1) year, or both, and in default of payment of any fine imposed, to imprisonment for a term not exceeding one (1) year.
- d) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may, in addition to any other remedy at law, serve upon the Person a violation ticket, in the form provided under the *Provincial Offences Procedure Act*.
- e) Where there is a specified penalty listed for an offence in the Fee Structure Bylaw, that amount is the specified penalty for the offence.
- f) Notwithstanding specified penalties set out in the Fee Structure Bylaw:
  - i. Where a Person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect to the second contravention shall be double the amount of the specified penalty for a first offence; and
  - ii. Where a Person contravenes the same provision of this Bylaw three (3) or more times within one twelve (12) month period, the specified penalty payable in respect of the third and subsequent contraventions shall be triple the amount of the specified penalty for a first offence.
- g) On conviction of an offence that is of a continuing nature, the penalty is the fine amount set out in in the Fee Structure Bylaw in respect of the offence for each day, or part of a day, that the offence continues.
- h) This section shall not prevent a Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a violation ticket.
- i) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges, or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.

- j) Notwithstanding the provisions of this Section, any Person who contravenes any provision of this Bylaw may forfeit the right to be connected to any Town Utility.

### 11.3 Enforcement

- a) Where the CAO or a Peace Officer believes a Person has contravened any provision of this Bylaw, they may issue the Person a Remedial Order, pursuant to section 545 of the *Municipal Government Act* to remedy the infraction.
- b) Every Remedial Order written with respect to this Bylaw must:
  - i. Indicate the Person to whom it is directed;
  - ii. Identify the property to which the Remedial Order relates by municipal address or legal description;
  - iii. Identify the date that it is issued;
  - iv. Identify how the Premises fails to comply with this Bylaw;
  - v. Identify the specific provisions of the Bylaw the Premises contravenes;
  - vi. Identify the nature of the remedial action required to be taken to bring the Premises into compliance;
  - vii. Identify the time within which the remedial action must be completed;
  - viii. Indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;
  - ix. Indicate that the expenses and costs of any action of measures taken by the Town under this section are an amount owing to the Town by the Person to whom the order is directed;
  - x. Indicate that the expenses and cost referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time;
  - xi. Indicate that an appeal lies from the Remedial Order to Town Council, if a notice of appeal is filed in writing with the Town within fourteen (14) days of the receipt of the Remedial Order.
- c) A Remedial Order written pursuant to this Bylaw may be served:
  - i. personally, upon the Owner of the Premises to which it relates;
  - ii. may be left with a Person apparently over the age of 18 years at the Premises; or
  - iii. by registered mail to the Owner of the Premises to which it relates.
- d) If, in the opinion of the CAO or a Peace Officer, service of the Remedial Order cannot be reasonably affected, or if the CAO or Peace Officer believes that the Owner of the Premises is evading service, the Remedial Order may be posted in a conspicuous place



- iii. failing to provide, on the request of the CAO or a Peace Officer, any information, documents, or things relevant to an inspection, including any documents specifically required to be kept or provided under this Bylaw.

**11.5 Recovery of Costs**

- a) An Owner is responsible for all costs associated with any of the following:
  - i. the implementation of any measures taken, or required to be taken, by either the Owner or the Town to meet the requirements of this Bylaw;
  - ii. damage or harm to the Wastewater System resulting from the Owner's or Occupant's contravention of the requirements of this Bylaw.


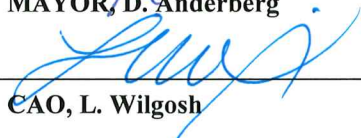
**12. SUSPENSION OF EXISTING CONTROLS**

Effective September 1, 2022, Water and Sewer Utility Bylaw 1607-21 and all other bylaws relating to water services and sewer or wastewater services are hereby repealed.

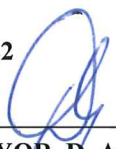
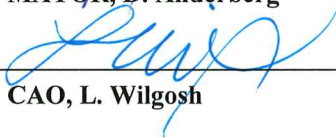
**13. DATE OF COMMENCEMENT**

This Bylaw shall come into force and take effect on September 1, 2022.



**READ A FIRST TIME THIS 13 DAY OF JUNE, 2022**

  
\_\_\_\_\_  
MAYOR, D. Anderberg  
  
\_\_\_\_\_  
CAO, L. Wilgosh

**READ A SECOND TIME THIS 27 DAY OF JUNE, 2022**

  
\_\_\_\_\_  
MAYOR, D. Anderberg  
  
\_\_\_\_\_  
CAO, L. Wilgosh

**READ A THIRD AND FINAL TIME THIS 27 DAY OF JUNE, 2022**

  
\_\_\_\_\_  
MAYOR, D. Anderberg  
  
\_\_\_\_\_  
CAO, L. Wilgosh

- on the Premises to which the Remedial Order relates, or on the private dwelling place of the Owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the Remedial Order shall be deemed to be served upon the expiry of three (3) days after the Remedial Order is posted.
- e) A Remedial Order issued pursuant to this Bylaw may be appealed to the Town Council by filing a notice of appeal with the Town not later than 14 days after the day on which the Remedial Order was issued.
  - f) The CAO may shut off water services to a Premises if a Remedial Order has been issued to the Owner or Occupant of that Premises pursuant to this Bylaw and either of the following applies:
    - i. the Owner or Occupant of the Premises fails to comply with the requirements of the Remedial Order; or
    - ii. the Owner or Occupant of the Premises fails to comply with the requirements of the Remedial Order within the time period set out in the Remedial Order.
  - g) The CAO may do any thing, or carry out any work required by a Remedial Order issued pursuant to subsection 10.3 a), and the costs associated with doing that thing, or carrying out the work, are an amount owing to the Town and may be added to the tax roll of the Premises if a Remedial Order has been issued to the Owner of that Premises pursuant to this Bylaw and:
    - i. the Owner of the Premises fails to comply with the requirements of the Remedial Order; or
    - ii. the Owner of the Premises fails to comply with the requirements of the Remedial Order within the time period set out in the Remedial Order.
  - h) A Person who fails to comply with the requirements of a Remedial Order issued pursuant to this Bylaw within the time period set out in the Remedial Order commits an offence.

#### **11.4 Interference with Town Forces**

- a) A Person must not obstruct, or attempt to obstruct, in any manner, a Peace Officer, or the CAO, or their designates, contractors, servants, or agents, in the exercise of their powers or duties as authorized or required by this Bylaw.
- b) For the purposes of subsection a), “obstruct” means to hinder, delay, interfere with, or prevent, or attempt to prevent the execution of a power or duty, and includes any of the following:
  - i. providing false or misleading information or making a false claim or statement to the CAO or a Peace Officer,
  - ii. preventing, barring, or delaying, or attempting to prevent, bar, or delay entry or inspection by the CAO or a Peace Officer in accordance with this Bylaw,

## SCHEDULE "A" – PROHIBITED SUBSTANCES

The following must not be Released into the Wastewater System:

- a) a Substance that causes or will cause a Negative Impact;
- b) a Substance that will interfere, or does interfere, with the operation of the Wastewater System;
- c) a Substance that will cause a violation or non-compliance event with respect to the Town's Wastewater operating approval;
- d) a Substance that will interfere with the disposal of Biosolids resulting from municipal Wastewater treatment;
- e) an explosive Substance, including solvents or petroleum derivatives such as gasoline, diesel fuel, naphtha or fuel oil, of a quantity such that:
  - i. Wastewater from the Premises will exhibit the characteristics of a Flammable Liquid, or
  - ii. the explosive Substance could cause or contribute to an explosion or support combustion in the Wastewater System, by itself or in combination with other Wastewater;
- f) 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;
- g) a solid or viscous Substance in a quantity, or of such size, as to be capable of causing obstruction to the flow in a Wastewater System, including ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, animals or animal parts, animal feces and blood;
- h) 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;
- i) Wastewater containing a Substance that on its own, or in combination with another Substance, becomes highly coloured and passes through the Wastewater System, discoloring the effluent;
- j) Wastewater that is Released in layers or forms layers upon interaction with other Wastewater;
- k) Wastewater having a pH of less than 5.5 or greater than 10;
- l) Wastewater having a temperature in excess of 75 degree Celsius;
- m) Radioactive Materials;
- n) corrosive or toxic Wastewater that causes or will cause a Negative Impact;
- o) Biomedical Wastes;
- p) unused or waste Pharmaceuticals;
- q) unused or waste chemical Substances;
- r) Hazardous Wastes;
- s) Pesticides;
- t) grit removed from ICI Premises, including grit removed from car wash establishments, automobile garages, and restaurant Sumps or from Interceptors.

**SCHEDULE “B” – RESTRICTED SUBSTANCES**

Wastewater containing the following materials in excess of the following concentrations is restricted:

Substance	Concentration Limit (mg/L)	Substance	Concentration Limit (mg/L)
Aluminum, total	50	Manganese, total	5
Antimony, total	5	Mercury, total	0.01
Arsenic, total	1	Methylene chloride (dichloromethane)	0.09
Benzene	0.5	Molybdenum, total	5
Beryllium, total	1	Nickel, total	2
Bismuth, total	5	PCBs (chlorobiphenyls)	0.004
Boron, total	5	Phenolic Compounds	1
BTEX	1	Selenium, total	1
Cadmium, total	0.7	Silver, total	0.5
Chloride	1500	Sulphate	1500
Chloroform	0.05	Sulphides	1
Chromium, total	3	Tetrachloroethane (1,1,2,2-)	0.06
Cobalt, total	5	Tetrachloroethylene	0.06
Copper, total	2	Thallium, total	0.5
Cyanide	1.2	Tin, total	5
Dichlorobenzene (1,2-)	1	Titanium, total	5
Dichlorobenzene (1,4)	1	Toluene	0.5
Ethylbenzene	0.5	Total Nitrogen	50
Fluoride	10	Trichloroethylene	0.054
Hexachlorobenzene	0.06	Vanadium, total	5
Hydrocarbons	50	Xylenes, total	0.5
Iron, total	50	Zinc, total	2
Lead, total	0.7		

**SCHEDULE "C" – SURCHARGE SUBSTANCES**

<b>Substance</b>	<b>Concentration Limit (mg/L)</b>
BOD	300
COD	600
TSS	300
FOG	100
TP	10
TKN	50

## SCHEDULE "D" – WASTEWATER CHARGES

Monthly rates or charges described in this Schedule are based on a nominal calendar month, regardless of number of days in that month, ranging between 28 and 31 days.

### 1. Service Charges (Town Users)

Service Charges are categorized by Customer class and are a monthly charge.

*As per Fee Structure Bylaw*

### 2. Usage Charges (Town Users)

Usage Charges are based on the volume of water used by the Customer, based on the Water Meter reading, multiplied by the Return Factor in Schedule "I". Usage Charges are categorized by Customer class and based on \$ per cubic meter (m<sup>3</sup>).

*As per Fee Structure Bylaw*

### 3. Effluent Meter Usage Charges

For Customers served with an Effluent Meter, in addition to the Service Charge set out in section 1, a Usage Charge based on the Wastewater volume processed through the Effluent Meter will be charged with no multiplication factor for Return Factor.

*As per Fee Structure Bylaw*

**SCHEDULE "E" – WASTEWATER SERVICE FEES**

The fees required by this Schedule are not refundable and are charged in all circumstances. They apply whether the service connection is related to the collection of Wastewater at a metered rate or at a flat rate.

*As per Fee Structure Bylaw*

**SCHEDULE “F” – WASTEWATER CHARGES FOR CUSTOMERS OUTSIDE TOWN LIMITS**

- 1.1 This section is a place holder for future regional collection of Wastewater. The Town of Pincher Creek does not currently provide regional Wastewater services outside of Town limits.
- 1.2 For all other Customers located outside of Town limits, a charge equal to the applicable Service Charge from section 1 of Schedule “D” plus the applicable Usage Charge from section 2 of Schedule “D” shall be paid to the Town.



## SCHEDULE "G" – WASTEWATER SURCHARGES

Monthly rates or charges described in this Schedule are based on a nominal calendar month, regardless of number of days in that month, ranging between 28 and 31 days.

### 1. Wastewater Surcharge Service Charge

A Wastewater Surcharge Service Charge is applied to a Customer's account if any concentration limit set out in Schedule "C" is exceeded. The Wastewater Surcharge Service Charge is a monthly charge in addition to the Wastewater Service Charge outlined in Schedule "D".

*As per Fee Structure Bylaw*

### 2. Wastewater Surcharge Usage Charge

Wastewater Surcharge Usage Charges are based on the amount (in mg/L) over the allowable concentration limits set out in Schedule "C". This amount is then multiplied by the volume of Wastewater being charged to the Customer (calculated by either Water Meter volume \* Return Factor, or by volume of Effluent Meter measurements).

*As per Fee Structure Bylaw*

Total Wastewater Surcharge Usage Charge shall be calculated as follows:

$$\begin{aligned} R = & [ (\$ \text{ BOD Surcharge}) * (\text{mg/L over BOD Concentration Limit}) ] \\ & + \\ & [ (\$ \text{ TSS Surcharge}) * (\text{mg/L over TSS Concentration Limit}) ] \\ & + \\ & [ (\$ \text{ FOG Surcharge}) * (\text{mg/L over FOG Concentration Limit}) ] \end{aligned}$$

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$$R = \text{Total Surcharge rate per m}^3 \text{ of Wastewater}$$

**SCHEDULE "H" – HAULED WASTEWATER CHARGE**

Customers who have received authorization to discharge Hauled Wastewater into the Town's Wastewater System, as per section 8.1, shall be subject to Service Charges and Usage Charges as per the Town's Fee Structure Bylaw.

Hauled Wastewater may also be subject to Wastewater Surcharges, as determined by the CAO.

**SCHEDULE "T" – RETURN FACTORS**

<b>Customer Class</b>	<b><i>Return Factor</i></b>
<i>Residential Metered</i>	0.90
<i>Non-Residential Metered</i>	0.97

