



Brooks

## **CITY OF BROOKS BYLAW NO. 21/25**

A BYLAW OF THE CITY OF BROOKS TO REGULATE THE CONTROL AND OPERATION OF THE SANITARY SEWER SYSTEM.

WHEREAS pursuant to Section 7 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26 as amended, a Council may pass Bylaws providing for the control and regulation of public utilities;

AND WHEREAS the City of Brooks has constructed and maintains facilities for the collection and treatment of Sanitary Sewage;

THEREFORE the Council of the City of Brooks, duly assembled, enacts as follows:

1. **Short Title:**

100. This Bylaw may be cited as the "City of Brooks Sanitary Sewer Bylaw."

2. **Definitions:**

200. In this Bylaw, unless the content otherwise requires,

201. "**Act**" means the *Municipal Government Act*, RSA 2000, c-M-26 and regulations made under the *Municipal Government Act* as amended or as repealed and replaced from time to time;

202. "**Biochemical Oxygen Demand (B.O.D)**" means the quantity of oxygen expressed in mg/L by weight, utilized in the biochemical oxidation of organic matter over a period of five (5) days at a temperature of 20 (twenty) degrees Celsius. Laboratory determinations shall be made in accords with the procedure set forth in the latest edition of Standard Methods;

203. "**Bylaw**" means the City of Brooks Sanitary Sewer Bylaw No. 21/25 as may be amended or replaced from time to time;

204. "**Chief Administrative Officer (CAO)**" means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or their designate;

205. "**City**" means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;

206. “**Council**” means the Municipal Council of the City of Brooks;
207. “**Grease**” means any material recovered as Grease using a recognized analytical procedure as set out in the latest edition of Standard Methods;
208. “**Highway**” means any thoroughfare, Highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes a sidewalk, including a boulevard adjacent to the sidewalk, if a ditch lies adjacent to and parallel with the roadway, the ditch, and if a Highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a Highway as defined in *The Traffic Safety Act, R.S.A. 2000, c. T-6*;
209. “**Industrial Waste**” means liquid waste discharged from any industrial, manufacturing, processing or such other commercial establishment as may be designated by Council;
210. “**mg/L**” means milligrams per litre by weight;
211. “**Natural Outlet**” means any outlet into a water course pond, ditch or lake, or other body of surface or ground water;
212. “**Occupier**” means a person occupying or exercising control or having the right to occupy or exercise control over a Premises, including but not restricted to a lessee, occupant, or agent of an Owner;
213. “**Owner**” means the person who is registered under the *Land Titles Act* as the Owner of the fee simple estate in a parcel of land and in the case of mobile homes, the assessed person responsible for property taxes payable to the City;
214. “**Peace Officer**” means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;
215. “**pH**” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution as a measure of acidity or alkalinity;
216. “**Premises**” means the surface of all structures and the whole or part of any parcel of real property, including the land immediately

adjacent to any structure or structures;

217. **“Sanitary Sewage”** means sewage which has a suspended solids concentration of 250 mg/L and/or a five (5) day B.O.D. of 200 mg/L;
218. **“Sanitary Sewage System”** means the Sanitary Sewage piping network, pumping stations, lift stations, treatment facilities, lagoons and any appurtenances contained within;
219. **“Sanitary Sewage Truck Disposal Facility”** means the location where Sanitary Sewer trucks may discharge Sanitary Sewer, located 1.3 km east of 7<sup>th</sup> Street East on Railway Ave, located on the north side of Railway Ave;
220. **“Sanitary Sewer”** means a sewer, owned and maintained by the City, which carries Sanitary Sewage and to which storm, surface and ground waters are not intentionally admitted;
221. **“Standard Methods”** means the examination and analytical procedures set forth in the most recent edition of “Standard Method 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;
222. **“Suspended Solids”** means solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of Suspended Solids shall be made in accordance with the procedures set forth in the latest edition of Standard Methods;
223. **“Utility Services Access Policy”** means the City Policy, as may be amended or replaced from time to time, that outlines the procedure for accessing utility infrastructure located on private land;
224. **“Violation Tag”** means a tag or similar document issued by the City pursuant to the Act;
225. **“Violation Ticket”** means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, RSA 2000, c P-34, as amended and any Regulations thereto; and,
226. **“Wastewater”** means a combination of the water which carries wastes intended to be removed from residential, commercial, institutional and industrial establishments together with such ground, surface and storm water as may be present.

### 3. General

300. The Chief Administrative Officer and other duly authorized employees of the City bearing proper credentials and identification, shall be

permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Bylaw and the Utility Services Access Policy.

301. The Chief Administrative Officer and other duly authorized employees of the City bearing proper credentials and identification may, from time to time, determine by sampling and analysis, the characteristics of the waste being discharged into the Sanitary Sewer from each Premises in the City.
302. No person shall discharge any Sanitary Sewage, Industrial Waste or other polluted water into any Natural Outlet within the City or to any area under the jurisdiction of the City, except where suitable pre-treatment has been approved in accordance with this Bylaw.
303. The Owner of every house, building or property used for human occupancy, employment, recreation or other purpose, situated within the City and abutting a Highway where Sanitary Sewer is present, shall connect directly to the Sanitary Sewer in accordance with the provisions of all existing provincial regulations within sixty (60) days after the date of notice to do so, unless otherwise directed by municipal forces. Failure to do so shall result in a penalty, as per Schedule "A".
304. No unauthorized person shall uncover, use, alter, disturb, or make any connections with or opening into, any Sanitary Sewer or appurtenances thereof.
305. Except as permitted by this Bylaw or any provincial regulation, no person shall construct or maintain any privy, septic tank, cesspool or other facility intended or used for the disposal of sewage within City limits.
306. All sewers, when approved shall be constructed by or under the direction of municipal forces from the Sanitary Sewer main to the property line. Any person desiring to connect their Premises with any Sanitary Sewer shall sign and file with the City a written application for a permit to make such connection.
307. When any sewer connection is abandoned, the Owner, under the direction of municipal forces, shall effectively block up the connection at a suitable location within their property so as to prevent sewage backing up into the soil and to prevent dirt from being washed into the sewer. Failure to do so shall result in a penalty, as per Schedule "A".
308. No statement contained in this Bylaw shall be construed as preventing any special agreement or arrangement between the City and any individual.
309. No statement contained in this Bylaw shall be construed to interfere with any additional requirements that may be imposed by a Public Health Inspector.

310. No statement contained in this Bylaw shall be construed to interfere with any Federal or Provincial Law or Regulation.
311. Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial Law or Regulation, other Bylaw or any requirements of any lawful permit, order, consent or other direction.
312. Where this Bylaw refers to another act, regulation or agency, it includes reference to any act, regulation or agency that may be substituted therefore.
313. Where the Customer fails to comply with a notice given by the Chief Administrative Officer, in accordance with this Bylaw, the Chief Administrative Officer may cause the supply of the water to be shut off.

#### 4. Use of Sanitary Sewer

400. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface drainage or pooling water into any Sanitary Sewer.
401. Except as hereinafter provided, no person shall discharge, or cause or permit to be discharged, any of the following described waters or wastes to any Sanitary Sewer:
  402. Any liquid or vapour having a temperature higher than 75 (seventy-five) degrees Celsius;
  403. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solvent or gas;
  404. Any ashes, cinders, sand, cat litter, mud, straw, shavings, metal, glass, rags, clothing, paper, cardboard, paper towels, feathers, tar, plastic, wood, potter's clay, gravel or other solid or viscous substance capable of causing obstruction to the flow of sewers or other interference with the proper operation of the Sanitary Sewer;
  405. Soil, grass clippings, agricultural waste or gardening waste;
  406. Any animal including fish and fowl and portions therefore, animal waste or byproducts that will not pass through a 2 (two) cm screen;
  407. Any biomedical waste, elemental mercury, radioactive material, paint or stains, prescription or illegal drugs, pharmaceutical products, pesticides or herbicides, or any other matter that may be detrimental to the Sanitary Sewer, Sanitary Sewage System or the environment;
  408. Grease in excess of 100 (one hundred) mg/L;
  409. Oil or petroleum or the wastes therefrom;
  410. Sludge, grit or skimmings from interceptors, catch basins, pre-

treatment facilities or private sewage systems;

411. Any waters or wastes having pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to infrastructure, equipment, biological sewage treatment processes or personnel of the City;
412. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant; or,
413. Any noxious or malodorous gas or substance capable of creating a public nuisance.
414. No person shall discharge or cause to be discharged any waste into the Sanitary Sewer with a higher concentration than that as described in the definition of Sanitary Sewage. Contravention of this Bylaw shall result in a fine, as per Schedule "B".
415. Grease, oil and sand interceptors shall be required to be installed, at the Owner's expense, on private property for all garages, gasoline service stations, vehicle and equipment washing establishments, restaurants and butcher shops. All interceptors shall be of a type and capacity as to conform to the latest revised standards specified in the provincial plumbing and drainage code and shall be located to be readily and easily accessible for cleaning and inspection. Where installed, all Grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.
416. If any whole or partial blockage of the Sanitary Sewer is caused by failure, omission or neglect to comply with the provisions of this Bylaw, the Owner or Occupier shall be liable to the City for all costs of clearing the blockage and any other amount for which the City may be held legally liable because of the blockage.
417. The removal of any tree roots on private property is the responsibility of the Owner, regardless of the location of the tree from which the roots originated. The cost to repair any damages caused by the obstruction is the responsibility of the Owner.
418. The removal of any tree roots on public property is the responsibility of the City regardless of the location of the tree from which the roots originated. The cost to repair any damages caused by the obstruction is the responsibility of the City.
419. Notwithstanding Subsection 416 – 418 of this Bylaw and Sections 528 and 530(1) of the Act, Owners affected by a Sanitary Sewer back-up caused by damaged City Sanitary Sewer lines, may apply to Council for reimbursement of up to the full amount of the Owner's insurance

deductible. Council shall review each submission on a case by case basis.

420. The City shall keep the sewer in good repair from the Sanitary Sewer main to the property line at the expense of the City. The property line to the building shall be maintained and kept in good repair by the property Owner at their expense, notwithstanding Subsections 416 - 418.
421. No person shall discharge or cause to be discharged into any Sanitary Sewer within, or entering the Sanitary Sewer; Wastewater, Sanitary Sewage or Industrial Waste unless it meets the design capacity of the system. The design capacity can be obtained from municipal forces.
422. An Owner or Occupier found to be contravening any Subsection of this Bylaw in which damages are caused to the Sanitary Sewage System will be charged any and all costs associated with remedying or repairing the damages.
423. Businesses that have agreements with the City to dispose of Sanitary Sewage in the Sanitary Sewage Truck Disposal Facility will be charged the rates outlined in Utility Rates Bylaw 21/23, as amended or replaced from time to time.

## 5. **Private Sewage Systems**

500. Where a Sanitary Sewer is not available under the provisions of Subsection 303, a private sewage system, complying with the provisions of this Bylaw or any and all provincial legislation or regulations code, must be used by the Owner.
501. The Owner shall operate and maintain private sewage systems in accordance with any and all provincial legislation, regulations and code at all times, at no expense to the City.
502. At such time as a Sanitary Sewer becomes available to a property served by a private sewage system, the provisions of Subsection 303 shall then apply to the property. A direct connection shall be made to the Sanitary Sewer in compliance with this Bylaw and any septic tanks, cesspools, and similar private sewage treatment facilities shall be abandoned and filled with suitable materials.

## 6. **Enforcement**

600. A Peace Officer is for the purposes of enforcement of this Bylaw, a Designated Officer of the City.
601. A person who contravenes or does not comply with any provision of this Bylaw is guilty of an offence.
602. Fines and penalties imposed on a conviction for an offence under this Bylaw are an amount owing to the City.

603. 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.
604. Any person who breaches any provision of the Bylaw is guilty of an offence and liable:
  605. upon the issuance of a Violation Tag to the specified penalty as listed on Schedule "A" attached to and forming part of this Bylaw; or,
  606. upon summary conviction to a fine of not less than the amount specified on Schedule "A" attached to and forming part of this Bylaw for each offence, exclusive of costs; or,
  607. to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
608. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who has contravened any provision of this Bylaw.
609. A Violation Tag shall be deemed to be sufficiently served if:
  610. served personally on the accused; or,
  611. mailed to the address of the registered Owner of the property concerned or to the person concerned; or,
  612. served personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any Premises of the accused, or by mailing a copy to such accused.
613. A Violation Tag shall state:
  614. the name of the person or other information to adequately identify the person;
  615. approximate location of where the offence took place;
  616. the offence;
  617. the penalty for the offence set out on Schedule "A" of the Bylaw;
  618. that the penalty shall be paid within fourteen (14) days from the issuance of the Violation Tag; and,
  619. any other information deemed necessary by the Chief Administrative Officer or by the provisions of the Act or the *Provincial Offences Procedure Act*, RSA 2000, c P-34 as amended.

620. Where a breach of this Bylaw is of a continuing nature, each day on which it continues or is repeated shall constitute a separate offense, and shall be liable to a separate penalty.
621. Where a Violation Tag has been issued for breach of any provision of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Tag.
622. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
623. If a person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.
624. The person to whom a Violation Ticket has been issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed from time to time, may plead guilty by making a voluntary payment in respect to the summons by delivering to the Provincial court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" or Schedule "B" to this Bylaw.
625. Any Person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed from time to time.

### **Remedial Orders**

626. A Peace Officer is hereby authorized and empowered to issue a remedial order to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
627. A remedial order written pursuant to this Bylaw may:
  628. direct a person to stop doing something, or to change the way in which the person is doing it;
  629. direct a person to take any action or measures necessary to remedy the contravention of this Bylaw, and, if necessary, to prevent a reoccurrence of the contravention;
  630. state a time within which a person must comply with the directions; and,

631. state that if the person does not comply with the directions within a specified time, the City will take the action or measures at the expense of the person.
632. A remedial order written pursuant to this Bylaw may be served:
633. in the case of an individual:
- 634. by physically delivering it to the person; or,
  - 635. by mail addressed to the person at their apparent place of residence or at any address for the person on the tax roll of the City or at the Land Titles registry. A remedial order is deemed to be received seven (7) days after it is mailed.
636. in the case of a company or corporation or other such entity:
- 637. by physically delivering it to any director or officer of the company;
  - 638. by physically delivering it to a person apparently in charge of an office of the company at an address held out by the company to be its address; or,
  - 639. by mail addressed to the registered office of the company. A remedial order is deemed to be received seven (7) days after it is mailed.
640. If, in the opinion of a Peace Officer, service of the remedial order cannot be reasonably affected, or if the Peace Officer believes that the Owner and/or Occupier of the Premises is evading service, the Peace Officer may post the remedial order in a conspicuous place 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.
641. Every person who fails to comply with a remedial order issued pursuant to this Bylaw within the time set out in the remedial order commits an offence.
642. If the person to whom a remedial order has been issued fails to comply with the remedial order within the time specified therein, the City may take whatever steps are necessary to remedy the contravention of this Bylaw and the cost of doing so becomes a debt owing to the City by the person to whom the order was issued.
643. If, in the opinion of the Chief Administrative Officer, a contravention of this Bylaw requires immediate action, the City may perform any work necessary to address the contravention of this Bylaw without prior notice or a remedial order and all costs incurred by the City will be payable by the person alleged to have contravened this Bylaw.

644. If the City does not receive the payment of any expense incurred as provided in this Bylaw, the City may charge the same against the property to be recovered in like manner as taxes assessable against the property.

### **Notice of Entry & Inspections**

645. A Peace Officer may give a minimum twenty four (24) hour notice of entry to an Owner and/or Occupier of a Premises to enter into or upon any Premises within the City, pursuant to authority set out in Section 542 of the Act, to carry out an inspection, remedy, enforcement or action for the purpose of ensuring compliance with this Bylaw.
646. If a person refuses to allow or interferes with the entry onto a Premises, inspection, enforcement or action required to ensure compliance with this Bylaw and/or refuses to produce anything to assist in the inspection, remedy, enforcement or action required to ensure compliance with this Bylaw, the City may apply to the Court of Queen's Bench where the court may issue an order to restrain a person from preventing or interfering with the entry onto a Premises, inspection, enforcement or action or require the production of anything to assist in the inspection, remedy, enforcement or action to ensure compliance with this Bylaw.

### **Notice of Appeal**

647. A person who has received a remedial order may request Council to review the remedial order issued in accordance with this Bylaw by written notice of appeal within fourteen (14) days of the date the remedial order is received.
648. Each notice of appeal shall:
- 649. state with reasonable detail, the grounds of appeal;
  - 650. state the name, address and interest of the appellant; and,
  - 651. be dated and signed by the appellant or on their behalf by their agent and, if signed by an agent shall state the name and address of the agent as well as that of the appellant.
652. When hearing an appeal Council shall:
- 653. hold a hearing within thirty (30) days after receipt of the remedial order;
  - 654. ensure that the notice of the hearing is mailed to the appellant at least five (5) days prior to the date of the hearing;
  - 655. consider each appeal having due regard to the circumstances and merits of the case and to this Bylaw;

- 656. not be bound by the rules of evidence applicable to courts of civil or criminal jurisdiction;
  - 657. afford to every person concerned the opportunity to be heard, to submit evidence of others; and,
  - 658. make and keep a written record of its proceeding which shall be in the form of a summary of the evidence presented to Council at the hearing.
659. In determining an appeal, Council:
- 660. may confirm, vary, substitute or cancel the remedial order; and,
  - 661. shall render its decision in writing to the appellant within fifteen (15) days from the date of hearing.

7. **Severability:**

- 700. Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

8. **Repeal of Bylaw:**

- 800. That Bylaw 15/02 is hereby repealed.

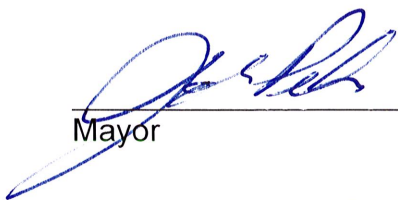
9. **Effective Date:**

- 900. This Bylaw shall take effect at the date of final passing thereof.

Read a first time this 20<sup>th</sup> day of December, 2021.

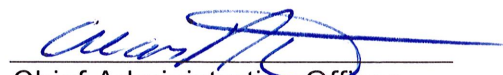
Read a second time this 20<sup>th</sup> day of December, 2021.

Read a third time and finally passed this 20<sup>th</sup> day of December, 2021.



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Mayor



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Chief Administrative Officer

**SCHEDULE "A" – SPECIFIED PENALTIES  
BYLAW 21/25**

<b>Offence</b>	<b>Penalties</b>	<b>Second or Subsequent Offence Within One Year</b>	<b>Section</b>
Discharging into Natural Outlet	\$500.00	\$1,000.00	302
Not connecting to Sanitary Sewer when abutting a connection	\$100.00	\$200.00	303
Unauthorized person using, disturbing or connecting to Sanitary Sewer	\$500.00	\$1,000.00	304
Unauthorized constructing/maintaining privy, septic tank or cesspool	\$500.00	\$1,000.00	305
Abandoning sewer connection without properly blocking connection	\$500.00	\$1,000.00	307
Discharging waste other than Sanitary Sewage	\$500.00	\$1,000.00	400
Discharging waters or wastes not permitted	\$1,000.00	\$2,500.00	401 – 413
Discharging waste that doesn't meet design capacity of system	\$1,000.00	\$2,500.00	421
Failing to comply with a remedial order	\$500.00	\$1,000.00	641

**SCHEDULE "B"**  
**BYLAW 21/25**

Each Premises connected to the City's Sanitary Sewage System whose discharge exceeds any or all limits set out in the definition of Sanitary Sewage and Subsection 414 shall be charged a penalty of N x \$3.33 per 4.55 cubic meters of discharge where N is determined by the following formula:

$$N = 0.5(\text{B.O.D./}200) + (\text{S.S./}250)$$

Where:

- N is the multiplier of the standard \$3.33 rate
- B.O.D. is calculated as per the definition of Biochemical Oxygen Demand
- S.S. is calculated as per the definition of Suspended Solids