

**COUNTY OF LETHBRIDGE
IN THE PROVINCE OF ALBERTA**

BY-LAW NO. 1313

**CONSOLIDATION OF A BY-LAW OF THE COUNTY OF LETHBRIDGE
RESPECTING A WASTEWATER SERVICE CHARGE AND REGULATING
THE DISPOSAL OF SEWAGE AND THE DISCHARGE OF LIQUIDS
AND WASTE INTO THE COUNTY OF LETHBRIDGE SEWAGE SYSTEMS**

WHEREAS County Council may pass by-laws for municipal purposes respecting public utilities;

AND WHEREAS the County of Lethbridge has constructed wastewater collection and treatment facilities;

AND WHEREAS it is deemed just and proper to levy a sewer service charge on all persons occupying property connected with the sewer system of the County to assist with the cost and constructing and maintaining the system including the cost of treatment and disposal of sewage;

NOW THEREFORE, the Council of the County of Lethbridge, duly assembled, enacts as follows:

- 1.00 This by-Law may be cited as the Wastewater Service Charge By-Law;
- 2.00 Unless the context specifically indicates otherwise, the meaning used in this By-Law shall be follows:

Definitions

1. "Account" means an agreement between the Applicant and the County of Lethbridge for the provision of utilities.
2. "Application" shall mean the application made by an Applicant to the County of Lethbridge for the supply of utilities.
3. "Applicant" means the owner or occupier of a specific property for which utilities are requested or provided.
4. "County" means the corporation of the County of Lethbridge for the area contained within the boundaries thereof, as the context requires.
5. "Commercial Customer" is the owner or occupier of a multi-family dwelling connected to the County's sewer system and which two or more dwelling units, and/or any commercial establishment.
6. "Customer" shall mean any person, corporation or organization who has entered into a contract with the County for the Utility Provisions at a particular premises, or who is the owner or occupant of any premises connected to or provided with a utility.
7. "Director" means the Director of Municipal Services for the County of Lethbridge or his duly authorized agent or representative.
8. "Domestic Customer" means the owner or occupier of residents containing one or two dwelling units that are connected to the sewer system and where the total water consumption is measured by one water meter.
9. "Manager" means the County Manager of the County of Lethbridge as appointed by the County Council and includes any person authorized by him/her or the County Council to act for or carry out the duties of the County Manager to the extent that authorization is given.
10. "Owner" shall mean the registered owner of the property or the purchaser

thereof who is entitled to occupy and enjoy the property. The owner is ultimately responsible for all water charges incurred at property.

11. "Penalty Date" shall mean the 26th day of the month or the first business day thereafter.
12. "Person" shall mean any individual, firm, company, association, society, corporation or group.
13. "Premises" means any land, building or part of a building supplied with utilities by the County of Lethbridge.
14. "Utility Clerk" means the County of Lethbridge Utility Services as pertaining to the customer services, billing and accounts receivable.
15. "Sewage" means any waste discharged or permitted to flow from residences, business buildings, institutions and industrial establishments.
16. "Sewer" means an artificial, usually subterranean, conduit to carry off water and certain waste matter as (1) household waste, as slops, wastewater from sinks, baths, etc., and excreta consisting of urine and feces; (2) wastewater from industrial works.
17. "Sewer System" means the system of sanitary sewers in the County, the sanitary sewage lift stations, and the sewage treatment plant or plants.
18. "Treasurer" shall mean the Director of Corporate Services of the County, or an agent or County employee authorized by such Director to act on behalf of the Director.
19. "Utility" and "Utility Provision" shall mean and include, as the context may require:
 - The supply of water;
 - The provision of wastewater collection and disposal;
 - The provision of waste collection and disposal;
 - The provision of recycling services.
20. "Utility Services" shall mean the provision of retailing billing and customer care services on behalf of the utilities.
21. "Water Services By-Law" means Bylaw 1312 Water Rates By-Law of the County of Lethbridge and amendments thereto and any by-law passed in substitution of the said by-law.

SERVICE CHARGES

- 3.00 A person occupying property connected with the County sewage system shall pay to the County a sewage service charge as set forth in the Schedule of Fees. In addition, the customer shall comply with the Customer Account Terms and Conditions as set out in Schedule A.

CONNECTIONS TO SEWAGE SYSTEM

- 4.00 (a) Each industrial customer desiring to become connected to the County wastewater system shall, prior to being joined to the sewage system, supply to the Director information on the quality and quantity of its proposed plant's sewage effluent.
- (b) The information to the Director shall include:
 - (i) sewage volume;
 - (ii) biochemical oxygen demand;
 - (iii) suspended solids;
 - (iv) "pH" factor of alkalinity or acidity;

- (v) temperature;
- (vi) concentration of wastes and type; and
- (vii) chemical oxygen demand; and
- (viii) such other information as the Director deems pertinent.

- 4.01 Prior to approving a building application, upon the recommendation of the Director, if the Council of the County is of the opinion that any proposed new plant of a potential industrial or commercial customer may discharge sewage effluent of a volume or quality which would cause the existing sewage systems and plant to exceed its capacity, it may refuse permission for such a proposed plant to be connected with the existing sewage system.
- 4.02 (a) The County may, by its officers, employees and agents, enter upon any property and premises served or to be served with the County's sewage system and into which sewage effluent may be discharged for the purpose of obtaining samples of such sewage effluent.
- (b) If the Director is of the opinion that it is necessary, he may order the installation of, and the customer so ordered shall install a suitable control manhole to permit the observation, sampling and measurement of the sewage effluent discharged by the customer into the County sewage system.
- (c) The construction of any manhole pursuant to sub-section (b) shall be accessible, safely located, and constructed in accordance with plans approved by the Director.
- (d) The cost of constructing and maintaining a manhole pursuant to sub-section (b) shall be borne by the industrial customer, who shall maintain the same in a safe and accessible manner.

TESTING OF EFFLUENT

- 5.00 The County may direct to any customer connected or about to connect to the County's sewage system that the characteristics of such customer's sewage effluent being discharged into the system be tested.

REVISION OF CHARGES

- 5.01 The Director may from time to time, review the service charges and surcharges payable under Section 4.00 with the view of recommending to the County Council that certain revisions be made in order to maintain such charges commensurate with current sewage treatment costs in the County of Lethbridge and to establish such other surcharges as may be deemed necessary.

PROHIBITION OR CONTROL OF DISCHARGE

- 6.00 The Director may prohibit or control the discharge of any wastes or sewage effluent or types before the same is discharged by an industrial or commercial customer in the County's sewage system by:
- (a) Requiring the customer to provide preliminary treatment of such sewage effluent, wastes, or other deleterious matter, substance or thing, whether liquid or solid.
 - (b) Requiring the occupant or any property to construct and properly maintain such works as the Director may deem necessary for the proper treatment of any sewage effluent, wastes or other deleterious matter, substance or thing, whether liquid or solid, before the same is discharged into any stream, water course, or the County sewage system.
 - (c) Preventing the discharge of any sewage effluent, wastes or other

deleterious matter, substance or thing, whether liquid or solid into any stream, water course or the County sewage system where works ordered to be constructed have not been constructed or maintained to the satisfaction of the Director.

- 6.01 Without limiting the generality of Section 7.00, the Director may order the occupant of any land which is connected with the County's sewage system to construct upon such land and properly to maintain and operate at all times such works for the preliminary treatment of sewage wastes as may be required to prevent any of the matters, things or substances referred to in Section 8.00 from being released or discharged into the sewage system of the County from such land.

PROHIBITION OF DISCHARGE

- 7.00 Except as hereinafter provided, no person shall release or discharge or cause or permit the discharge or deposit of matter of a kind listed below into any of the County's sewers.
- (a) Matter of any type or at any temperature or in any quantity which may be or may become a health or safety hazard to a sewage works employee, or which may be or may become harmful to a sewage works, or which may interfere with the proper operation of a sewage works, or which may impair or interfere with any sewage treatment process, or which is or may result in a hazard to any person, animal, property or vegetation and without limiting the generality of the foregoing, any of the following:
 - (b) Solid or viscous substances in quantities or of such size as to be capable of causing an obstruction to the flow in the sewer system or other interference with the proper operation of the sewage collection system and treatment facilities, including but not limited to paunch manure or intestinal contents from horses, cattle, sheep or swine, not bristles, pig hooves or toenails, animal intestines, guts, tissues or stomach casings, whole blood, bones, hides or parts thereof, animal fat or flesh in particles larger than will pass through a quarter inch screen, manure of any kind, poultry entrails, heads, feet or feathers, eggshells, fleshing and hair resulting from tanning operations, any ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, and un-ground garbage.
 - (c) Sewage that may be noxious or may cause an offensive odor to emanate from the sewer system, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulphide, other reduced sulphure compounds, carbon monoxide amines or ammonia in such quantities that may cause an offensive odor.
 - (d) Water that has originated from a source separate from the water distribution system of the County except as permitted in writing by the Director.
 - (e) Sewage or uncontaminated water at a temperature greater than 65 degrees Celsius.
 - (f) Industrial waste or sewage which would be harmful to fish, wild fowl or animal life.
 - (g) Any water or waste having a pH rating lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (h) Sewage containing more than 15mg/L of solvent extractable matter of mineral or synthetic origin (grease).

- (i) Sewage containing more than 300 mg/L of solvent extractable matter or animal or vegetable origin (grease).
- (j) Sewage in which the BOD exceeds 10,000/L.
- (k) Sewage containing more than 10,000/mg/L of total suspended solids.
- (l) Sewage containing more than 10 mg/L of total phosphorus.
- (m) Sewage containing more than 50 mg/L of total Kendal nitrogen expressed as $\text{NH}_3\text{-N}$.
- (n) Sewage containing more than 0.1mg/L of phenol compounds.
- (o) Sewage which consists of two or more separate liquid layers.
- (p) Sewage containing dyes or coloring materials which pass through the sewer system and discolors the sewer system effluent.
- (q) Sewage containing any of the following in excess of the indicated concentrations.

1500 mg/L

- Chlorides expressed Cal
- Sulfates expressed as SO_4

50 mg/L

- Aluminum expressed as Al
- Iron expressed as Fe

10 mg/L

- Fluoride expressed as F

5 mg/L

- Antimony expressed as Sib
- Bismuth expressed as Bi
- Chromium expressed as Cr
- Cobalt expressed as Co
- Lead expressed as Pub
- Manganese expressed as Man
- Molybdenum expressed as Mo
- Selenium expressed as Se
- Silver expressed as Ag
- Tin expressed as Son
- Titanium expressed as Ti
- Vanadium expressed as V

3 mg/L

- Copper expressed as Cu
- Nickel expressed as Ni
- Sulphides expressed as S
- Zinc expressed as Zn

2 mg/L

- Cyanide (total) expressed as CN

1 mg/L

- Arsenic expressed as _____
- Cadmium expressed as Cod

0.1 mg/L

- Mercury expressed as Hg

- (r) The following materials or sewage containing more than acceptable industrial measuring threshold.
- Fuels such as gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - Benzene
 - The total of benzene, toluene, ethyl benzene, and xylems (BTEX).
 - Polychlorinated biphenyls (PCBs)
 - Pesticides
 - Severely toxic materials
 - Waste radioactive materials
 - Waste disposal leach ate
 - Hauled sewage
- (s) The following hazardous wastes in any amounts:
- Acute hazardous waste chemicals
 - Hazardous industrial wastes
 - Hazardous waste chemicals
 - Ignitable wastes
 - Biological wastes
 - PCB wastes
 - Reactive wastes

- 7.01 In determining whether the limit with respect to any matter prescribed in Section 8.00 is contravened, the volume of any water that has been added for the purpose of enabling the limit to be met shall be disregarded for the purposes of calculating whether the limit has been met so that compliance with the limit cannot be obtained by dilution.
- 7.02 Section 8.00 does not apply to prevent the discharge of human waste.
- 7.03 Section 8.00(s) does not apply to prevent the discharge of hauled sewage when the carrier is a licensed hauler and has the written permission from the County to discharge sewage at an approved time and location.

INTERCEPTORS

- 8.00 Grease, oil and sand interceptors shall be provided on private property for all garages, gasoline service stations and vehicle and equipment washing establishments. Interceptors will be required for other types of business when in the opinion of the Director they are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable wastes, sand, other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be maintained by the occupant at his expense in continuously efficient operation at all times.

BLOCKAGE

- 9.00 In case any blockage, either wholly or in part, of said sewage system is caused by reason of failure, omission or neglect to comply strictly with the foregoing provisions, the owner, proprietor or occupier concerned therein shall, in addition to any penalty for infraction of the provisions hereof, be liable to the County for all costs of clearing such blockage and for any other amount for which the County may be held legally liable because of such blockage.

INSPECTIONS

- 10.00 The Director and other duly authorized employees of the County being

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 provision of this By-Law. If such inspection discloses any failure, omission or neglect to clean out sumps, or discloses any defect in the location, construction, design or maintenance of any of the sewer system or any connection there from to the County system, the person making such inspection shall in writing notify the said owner, proprietor or occupier to rectify the cause of complaint.

DISPUTE

- 11.00 In case of any dispute as to the proper charges to which any person is subject by reason of the provisions herein contained, the matter shall first be referred to the County Manager, and where the dispute is not settled to the satisfaction of the complainant, such complainant may refer the matter to County Council. Final appeal may then be made in the manner provided in "The Public Utilities Act" of the Province of Alberta.

CONNECTING TO SANITARY SEWER

- 12.00 In hamlets or subdivisions that provide sewage systems for the residents, all residents must connect to the system prior to occupancy.
- New developments must connect to the sewer system.
- 12.01 The owner of every house, building or property used for human occupancy, employment, recreation or other purpose, situated within the County and abutting on any highway, or right-of-way in which there is now or hereafter located a sanitary sewer of the County, is hereby required at his expense to install suitable sewage waste disposal facilities directly with the proper sanitary sewage system of the County in accordance with the provisions of the Plumbing and Drainage Act within 60 days after the date of notice from the Health Officer of Plumbing Inspector to do so.
- 12.02 Except as permitted by this By-Law of the County plumbing requirements or the regulations of the Provincial Board of Health, no person shall construct or maintain any privy, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the County.
- 12.03 The public portion of a service connection to a property shall be maintained by the County when necessary, renewed at the discretion and expense of the County.
- 12.04 Existing service connections may be reused for redevelopment purposes without charge. The County shall charge the full cost of installing any required new service connection in the event that reuse is not possible.
- 12.05 In the event the County has, subsequent to the issuance of a demolition permit, removed a service connection, the County shall reinstall at its expense the public portion of the service connection of lesser or equal capacity without charge to the applicant. In the event that the applicant required a service connection of a capacity larger than that removed, the County shall charge the full cost of installing the required new service connection.
- 12.06 No person shall discharge or cause to be discharged any storm water, surface water, or roof run-off into drains.
- 12.07 All construction in existing approved subdivisions for which development permits are applied for will be required to discharge foundation drain water into a sump.

Foundation drains in subdivisions shall drain to a sump discharging to such sewers as are specifically designated as storm sewers, or to a natural outlet, approved by the Director.

Foundation drains in those areas which are certified by a geotechnical engineer as soils where the adjusted ground water level is anticipated to remain below the lowest footing evaluation shall drain to a sump. Sumps in these areas will be permitted to discharge to the surface in a manner approved by the Director.

12.08 The owner of each building shall be responsible to ensure that:

- (a) All buildings which have a roof run-off collection system consisting of eave troughs or parapets or other such devices as well convey water to one or more downspouts shall have a concrete splash-pad fastened to the building and extending two meters horizontally from the building wall.
- (b) Pounding of water or flow of surface water towards the building within two meters of the building shall be prevented by positive lot grading.

12.09 A permit issued under the "Building Permit By-Law" to demolish or remove an building terminates the right of use for all sanitary service connections from that building to the County sewage system. Applicants for demolition permits shall pay the sanitary service connection removal fee as set out in Schedule of Fees.

METERING AND PAYMENT OF ACCOUNTS

13.00 The provisions of By-Law 1312 Water Services # 1312, being the Water Services By-Law of the County of Lethbridge respecting the metering of water shall be deemed to apply to this By-Law.

EXPENSES FOR TAPPING OF SEWER MAIN

- 14.00 (a) All expenses incidental to the tapping of the County sewer main and laying the sanitary sewer from the main to the street line will be borne by the applicant as outlined in the Water Services By-Law 1312.
- (b) The County shall be responsible for the maintenance of the sanitary sewer main and the connections from the main to the property line or easement line.
- (c) The expense incidental to the laying, connection, disconnecting or repairing of a sanitary sewer when such work is done by the County beyond the outer limit of the street or the expense of superintending such work when it is done by any other person, is payable by the owner on demand of the County, and if not paid may be collected forthwith in the same manner as sewer rates.

LIABLE FOR DAMAGES

15.00 The County is not liable for damages:

- (a) caused by the breaking, plugging or stoppage of any sanitary sewer main or storm sewer main;
- (b) caused by the interference with the supply of any water service or sewer necessary in connection with the repair or proper maintenance of sewers;
- (c) generally for any accident due to the operation of the sewer disposal system of the County.

Unless such accident is shown to be directly due to the negligence of the County or its employees.

REBATE OF SURCHARGE

16.00 County Council, upon such consideration it deems advisable, may by resolution mitigate and rebate to an industrial customer the surcharge, or portion thereof, payable by such customer for any prior quarter of a year.

VIOLATIONS

17.00 Any person who contravenes any provision of this By-Law or any order made hereunder is guilty of an offence and is liable upon summary conviction to a fine not exceeding TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS and in default of payment of the fine to imprisonment for a period not exceeding SIX (6) MONTHS.


GIVEN first reading this 5th of June, 2008.



Reeve


County Manager

GIVEN second reading this 5th day of June, 2008.



Reeve


County Manager

GIVEN third reading this 5th day of June, 2008.



Reeve


County Manager

COUNTY OF LETHBRIDGE**BY-LAW 1313
WASTEWATER SYSTEMS CUSTOMER TERMS AND CONDITIONS****SCHEDULE "A"****General Provisions**

1. The application when accepted by the Utility Clerk shall be a contract between the applicant and the County of Lethbridge by which the applicant agrees to be bound by all the provisions of this By-Law or any other By-Laws or regulation of the County in connection with the supply of Utility Provision within the County of Lethbridge. The said contract shall be not transferable.

Application

2. Any applicant who requires Utility Provision shall apply to the County and pay a connection fee as set out in the Schedule of Fees. The applicant may be required to sign an application or a contract for service, to supply information with respect to load and the manner in which the services will be utilized, and credit reference.
3. The utility account shall be set up:
 - (a) in the name of the owner of the property to which the utilities are to be supplied, or;
 - (b) in the same name of the purchasers of a property who is entitled to occupy the premises, or;
 - (c) Where there is evidence of a landlord-tenant situation, in the name of the owner, however, a copy of the utility bill will be sent to the tenant in their name to their address or;
 - (d) In the name of the general contractor in the case of a new building under construction.
4. An application shall be supported by such identification and legal authority of the applicant as the Utility Clerk may require.
5. Upon making application, providing all information required by the County, and paying the connection fee, there shall thereupon be a binding agreement between the customer and the County, for the Utility applied for, and the provisions of the application and this By-Law shall constitute the terms and conditions of such agreement.
6. Where the applicant is indebted to the County for any Utility Provision previously provided by the County, the applicant may not be allowed to complete their application, or be entitled to receive Utility Provision, until satisfactory arrangements have been made for payment of such outstanding account and any deposit required.

Payment of Utility Accounts

7. Invoices for Utility Provisions shall be forwarded monthly to the customer and shall be payable at the office of the Utility Clerk and such other places as may be designated by the Utility Clerk.
8. Invoices shall be deemed rendered and other notices duly given when delivered to the customer personally, when mailed to or left the premises where the Utilities are provided, or the last known address of the customer, or when emailed to the customer.

9. All charges and rates payable under this By-Law shall be paid to the office of the Utility Clerk and the collection of all disbursements connected with the operation of the Utility and supervision of books of account shall be under the immediate control and direction of the Utility Clerk.
10. The Utility Clerk shall be promptly notified of all connections made or of any discontinuance of Utility Provisions so that the proper charges or allowances may be made against or to any person or persons liable to pay for the Utility Provisions consumed or who is entitled to a refund where the Utility Provisions are disconnected. The Utility Clerk may base the final charge for service on an estimated meter reading which will be prorated from the time or an actual meter reading.
11. Where any service rate or charge is designated by reference to a certain period of time, the charge for a lesser period of time shall be calculated on a proportionate basis.
12. The Utility Clerk shall attempt to consolidate the utility service charges associated with one premises on a single invoice.
13. The entire utility account invoice is due and payable when rendered.
14. If the utility account invoice is not paid on or before the penalty date the account is deemed to be in arrears.
15. Failure to receive a utility account invoice will not entitle the customer to any delay in the settlement of each account or to any extension of the penalty date after which a penalty charge becomes applicable.
16. In the case of a dispute between the customer and the County, the customer shall be expected to make payment or settlement as originally arranged and agreed to, pending the resolution of the dispute.
17. A customer who has not paid the full utility account invoice on or before the penalty date may have the supply of all or any Utility Provisions discontinued without notice and such service will not be reinstated until all arrears and charges owed to the County are paid.

Late Payment Penalty

18. When the customer pays the utility account invoice after the penalty date, the customer shall pay a penalty charge of 1.5%. Payments must be received by the Utility Clerk on or before the penalty date in order for the customer to avoid the penalty. Payments made at the financial institution must be received by the Utility Clerk on or before the penalty date in order for the customer to avoid the penalty.
19. For greater certainty, a customer is obliged to pay for utilities when the invoice is rendered and it is a breach of the Utility Provisions agreement to make a late payment. The late payment penalty is not to be construed as permission for the customer to pay late but is rather a penalty for breaching the terms of the Utility Provision Agreement.

Enforcement

20. A customer who fails to make payment on time will be subject to normal credit action, which may include but is not limited to:
 - (a) Reminder letters;
 - (b) Notification by telephone;
 - (c) Use of collection agencies;
 - (d) Requiring prepayment before additional service;
 - (e) Withholding of additional service and
 - (f) Legal action.

21. The payment of any rates, charges, tolls, fares, or rents as provided by this By-Law may be enforced by all or any of the following methods, namely:
- (a) By action in any Court of competent jurisdiction.
 - (b) By suspending the delivery of Utility Provisions.
 - (c) By distress and sale of the goods and chattels of any persons owing such rates, charges, tolls, fares, or rents wherever the same may be found in the County.
22. Where the customer is the owner or purchaser of a building lot or part of a lot served by Utilities, the sum payable by the customer for the Utility Service supplied by the County to the customer or for his use, and all rates, costs and charges or loans made to him imposed under this By-Law are a preferential lien and charge on the building, lot or part of lot, and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes recoverable.
23. Where the customer to whom the Utility has been supplied is a person other than the owner or purchaser of the building, lot or part of a lot, the sum payable by the person is a debt due by him and shall be a preferential lien and charge on her personal property and may be levied and collected with costs by distress.

Arrears

24. Any Utility Provision expenses, rates or rents that may be charged as taxes against a person may be entered on the assessment and taxroll at any time.

Termination by the County

25. The County may discontinue the supply of all Utility Provisions for any of the following reasons:
- (a) Non-payment of any utility accounts; or
 - (b) Inability of the County to obtain access to a residential premises to read any meter for a period of six months, or inability to access a non-residential premises to read any meter for a period of three months; or
 - (c) Failure by, or refusal of, a customer to comply with any provision of this by-Law; or
 - (d) Failure by, or refusal of, a customer to comply with any provisions of any Provincial Acts, the Building Code, or any regulations thereunder of
 - (e) At the owner's request to have services discontinued, provided the premises are not lawfully occupied; or
 - (f) In any other case provided for in this By-Law.