

MOUNTAIN VIEW COUNTY
BYLAW NO. 19/09 as Amended
PRIVATE SEWAGE TREATMENT SYSTEMS BYLAW
Consolidated April 29, 2010

Note:

All persons making use of the consolidation are reminded that it has no legislative sanction, that the amendments have been embodied for convenience of reference only, and that the original Acts should be consulted for all purposes of interpreting and applying the bylaw.

**Mountain View County
Province of Alberta**

Bylaw No. 19/09

**A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR EFFECTIVE
MANAGEMENT OF WASTE WATER**

SECTION 1 - SHORT TITLE AND PURPOSE

- 1.01 This bylaw may be cited as the “Private Sewage Treatment Systems Bylaw”.
- 1.02 The purpose of this Bylaw is to ensure the ongoing management of waste water is effective to ensure the protection of the environment and aquifers which supports sustainable development. (amended by Bylaw No. 07/10)

SECTION 2 - DEFINITIONS

- 2.01 In this Bylaw, unless the context otherwise requires:
- a. “Authorized Agent” means person authorized by Mountain View County to undertake maintenance inspections of PSTS as outlined in Schedule A of this Bylaw and is a Safety Codes Officer. (amended by Bylaw 07/10)
 - b. “Chief Inspector” shall mean the Provincial Chief Inspector of Private Sewage and Technical Services, or their delegate, when applicable.
 - c. “Council” means the Council of Mountain View County.
 - d. “Environmental Health Officer” shall mean the Alberta Health Services official duly appointed to enforce the applicable statutes with respect to the operation and inspection of Private Sewage Systems.
 - e. “Environmentally Significant Area” means any parcel or portion of land that already has, or with remedial action could achieve, desirable environmental attributes. These attributes contribute to the retention and/or creation of wildlife habitat, soil stability, water retention or recharge, vegetative cover and similar vital ecological functions.
 - f. “Maintenance” shall mean on-site inspection and, if deemed necessary upon inspection, pumping-out of the Private Sewage System, to be completed by certified operators in accordance with the terms of this Bylaw.
 - g. “County” means the corporation of the Mountain View County or the area contained within the borders thereof.
 - h. “Owner” shall mean a person registered under the Land Title Act as the Owner of the fee simple estate in the land.
 - i. “Private Sewage Treatment System” or “PSTS” or “On-site waste water treatment system” means a system for the management and/or treatment of waste water at or near the development that generates the waste water including that portion of the building sewer 1.8 m (6 ft) upstream of any equalization tank, settling tank, septic tank packaged sewage treatment plant, holding tank, or berm of sewage lagoon, and

includes the final soil based effluent dispersal and treatment system but does not include the plumbing building drain from the development which ends 1 m (3.25 ft) outside a building. (amended by Bylaw 07/10)

SECTION 3 – HOMEOWNER PROVISIONS

- 3.01 Owner(s) shall be allowed to make application for Private Sewage Treatment System (PSTS) permit(s) for their own property provided the design is signed by a Certified Private Sewage Treatment System Installer. (amended by Bylaw 07/10)
- 3.02 Notwithstanding Section 3.01 where Mountain View County has determined the use of holding tanks is acceptable the Owner(s) shall not be required to have the design signed by a Certified Private Sewage Treatment System Installer. (amended by Bylaw 07/10)

SECTION 4 – MAINTENANCE INSPECTION REQUIREMENTS

- 4.01 The County hereby establishes a maintenance inspection schedule for PSTS, as shown in Schedule A attached to this bylaw, (amended by Bylaw 07/10)
- 4.02 Owners of the property for which a PSTS permit was obtained from Mountain View County on or after October 1, 2009 shall in accordance with Schedule A file, with the County, a report attesting and providing documentation that their property's PSTS has been maintained in accordance with the operations and maintenance manual for the system provided at time of installation. (amended by Bylaw 07/10)
- 4.03 The owner shall engage an authorized agent of the County to inspect the PSTS in accordance with the timelines as indicated on Schedule "A" attached to this bylaw, and review the maintenance records. The authorized agent shall provide a report as required in Section 4.02, to the County noting any deficiencies with the PSTS relative to the operation and maintenance manual for the PSTS. The report provided shall be to the sole and absolute satisfaction of the County. (amended by Bylaw 07/10)
- 4.04 Upon receipt of the report, if any PSTS is determined to be inoperative, failing, or otherwise not functioning properly, the County shall advise the Owner of their responsibility to repair the PSTS, and shall further notify the Environmental Health Officer of the situation. (amended by Bylaw 07/10)
- 4.05 Pursuant to Section 4.04, if the report indicates deficiencies in the operation and maintenance of the PSTS, the Owner shall within 60 days, provide to the County a follow-up report from an authorized agent. confirming necessary repairs have been completed. (amended by Bylaw 07/10)

SECTION 5 - PENALTIES

- 5.01 Any Owner who contravenes the provisions of Section 4 of this Bylaw, by failing to provide a report of their PSTS in accordance with the schedule established by the County, is guilty of an offense and liable to a penalty as set out in Section 6.(amended by Bylaw 07/10)
- 5.02 In addition to any penalty imposed upon an Owner, the County may, upon serving notice, of the breach of this bylaw proceed to complete the maintenance on said Owner's PSTS, and charge the costs of such work as taxes due and owing on the property. (amended by Bylaw 07/10)

- 5.03 Notwithstanding Subsection 6.01 of this Bylaw, any Owner who commits a second or subsequent offence under this Bylaw, by failing to provide a report on maintenance when required, by this Bylaw, shall be liable to penalty of not less than the sum as set out in Section 6; in addition to said penalty, the County may, upon serving notice of the breach of this bylaw, proceed to complete the maintenance on said Owner's Private Sewage System, and charge the costs of such work as taxes due and owing on the property. (amended by Bylaw 07/10)
- 5.04 Under no circumstances will any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 5.05 In addition to the penalty provided for under Section 6, the Provincial Court of Alberta may order the person to comply with this Bylaw. (amended by Bylaw 07/10)

SECTION 6 – SUMMARY CONVICTION

- 6.01 Any person who contravenes any provision of this Bylaw, who has been served a Mountain View County Bylaw Tag or violation ticket as prescribed under the *Provincial Offences Procedures Act* is guilty of an offense and is liable to a specified penalty of Two Hundred Dollars (\$200.00). (amended by Bylaw 07/10)
- 6.02 The levying and payment of any penalty or fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.

SECTION 7 – SEVERABILITY PROVISION

- 7.01 Should any provision of this Bylaw be invalid, then such invalid provision will be served from this Bylaw and such severance will not affect the validity of the remaining portions of this Bylaw, except to the extent necessary to give effect to such severance. (amended by Bylaw 07/10)

SECTION 8 - EFFECTIVE DATE

- 8.01 This Bylaw shall come into effect October 1, 2009.

Bylaw 07/10, amended by Council April 7, 2010.

SCHEDULE "A"
 (amended by Bylaw 07/10)
 BYLAW 19/09

Type of Private Sewage System	Inspection Schedule*	Inspection Requirements
Lagoons	<p>Once every two (2) years for all uses other than single family dwellings</p> <p>Once every five (5) years for single family dwellings</p>	<ul style="list-style-type: none"> • Visual Inspection to ensure no leakage from lagoon walls nor any odor problems. • Documentation that maintenance was completed in accordance with the operations and maintenance manual as provided at the time of installation
<p>Septic Tank/ Fields/ Mounds and Open Discharge</p> <p>Accelerated Treatment Systems/ Packaged Sewage Treatment Plants</p>	Once every three (3) years	<ul style="list-style-type: none"> • Visual inspection of field to ensure no soil absorption problems (effluent rising to ground surface), nor any odour problems. • Tank must be pumped out for inspection . • Documentation that maintenance was completed in accordance with the operations and maintenance manual as provided at the time of installation
Holding Tanks	<p>Pump out records provided Annually</p> <p>Tank Inspection every three (3) years</p>	<ul style="list-style-type: none"> • Provide pump out records to County annually • Visual inspection of empty tank and surrounding area to ensure tank is not leaking.

*Inspection schedule shall commence from the date of the final Safety Codes Inspection.

1. Maintenance inspections will be conducted within the calendar year the inspection is due as noted in Schedule A above.
2. Maintenance Inspection reports shall be submitted to the County no later than August 31 of the respective calendar year,