

**TOWN OF MORINVILLE
PROVINCE OF ALBERTA
SEWER UTILITY BYLAW
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A BYLAW OF THE TOWN OF MORINVILLE IN THE PROVINCE OF ALBERTA TO SET FORTH THE TERMS AND CONDITIONS FOR THE COLLECTION OF STORMWATER AND WASTEWATER IN THE TOWN OF MORINVILLE

WHEREAS, the *Municipal Government Act* gives broad authority to Municipal Council to govern in whatever manner Council deems appropriate, including the authority to regulate the provision of a public utilities;

AND WHEREAS, the *Municipal Government Act* also provides Municipal Councils with the authority through bylaws to impose fines and penalties for infractions of their bylaws.

NOW THEREFORE, the Municipal Council of Morinville, Alberta, duly assembled, hereby enacts as follows:

1.0 BYLAW TITLE

1.1 This Bylaw shall be cited as the "Sewer Utility Bylaw".

2.0 DEFINITIONS

2.1 "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of Morinville appointed pursuant to s. 205 of the *Municipal Government Act* or the designate of the Chief Administrative Officer.

2.2 "Customer" means any Person, firm, or body corporate that receives stormwater or sanitary collection services or other services related to or incidental to the collection services, and also includes any Person acting as an agent or representative of a Customer, as well as a Owner of property to which collection services are being delivered.

2.3 "Inspector" means the CAO or the individual(s) designated or appointed by the CAO, including a Peace Officer.

2.4 "Municipal Government Act" or "MGA" means the *Municipal Government Act*, RSA 2000 Chapter M-26 as amended or legislation substituted therefore.

2.5 "Municipality" means the municipal corporation of Morinville.

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- 2.6 “Owner” (pursuant to Section 1.1(u) of the MGA and any amendments made from time to time) means:
- 2.6.1 In respect of unpatented land, the Crowns;
 - 2.6.2 In respect of other lands, the Person who is registered under the *Land Titles Act* as the Owner of the Fee-Simple Estate in the land; and
 - 2.6.3 In respect of any property other than land, the Person in lawful possession of it.
- 2.7 “Peace Officer” means a Peace Officer as defined in the *Peace Officer Act*, a Bylaw Enforcement Officer appointed by the Municipality, a designated officer as defined by the *Municipal Government Act*, or a Police Officer as defined in the *Police Act*.
- 2.8 “Person” means an individual, association, partnership, body corporate, Municipal Corporation, provincial or federal agency, and the heirs, executors, administrators or other legal representative of a Person, or an agent or employee thereof.
- 2.9 “Private (Sanitary/Storm) System” means that part of any drain or system of drains that conveys sanitary or stormwater, lying within the limits of the private lands and leading to a municipal sewer connection, whose responsibility for maintenance is the Owner.
- 2.10 “Service Connection” means the piping extended from a main line up to the property line whose primary purpose is to provide utility servicing to a private property.
- 2.11 “Service Connection Fee” means the fee, outlined in the *Fees and Charges Bylaw*, to the Municipality to support the field inspection of the Service Connection Point tie-in work to ensure it meets the Municipality’s Municipal Design Standards.
- 2.12 “Service Connection Point” means the point where a Service Connection owned by Morinville and forming part of the Sewer System physically connects to a Private System (which will ordinarily, but not necessarily, be a point at or near an Owner’s property line).

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- 2.13 “Sanitary Sewer System” means any infrastructure or facilities that are owned by the Municipality specifically purposed to collect, convey, settle, store, or discharge any sanitary or wastewater discharge.
- 2.14 “Sewer System” means any general infrastructure or facilities that are owned by the Municipality that is purposed to collect, convey, settle, store, or discharge any storm, sanitary or wastewater discharge.
- 2.15 “Storm Sewer System” means any infrastructure or facilities that are owned by the Municipality that is specifically purposed to collect, convey, settle, store, or discharge any stormwater discharge.
- 2.16 “Stormwater” means the water running off the surface of a drainage area during and immediately after a period of rain or snow melt that gets collected in the Storm Sewer System.
- 2.17 “Violation Tag” means a ticket or similar document issued by a Peace Officer pursuant to the *Municipal Government Act*.
- 2.18 “Violation Tickets” means a ticket issued by a Peace Officer in accordance with the *Provincial Offences Procedure Act*.
- 2.19 “Wastewater” means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source that gets collected into the Sanitary Sewer System.

3.0 SEPARATION OF SANITARY AND STORM SEWER SYSTEMS

- 3.1 The Sanitary Sewer System is intended to convey wastewater of a generally predictable and stable quantity and quality from sources within the Municipality to the authorized treatment facility.
- 3.2 The Storm Sewer System is intended to convey a highly variable quantity of stormwater from within the Municipality to a watercourse. The Storm Sewer System may also be used to convey groundwater and uncontaminated water.
- 3.3 No system that is intended to simultaneously or interchangeably convey both wastewater and stormwater shall be constructed within the Municipality.

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3.4 No Person without written authorization from the Municipality shall connect any:

3.4.1 Storm drain, roof drain, foundation drain, or Private Storm Sewer to the Sanitary Sewer System; or

3.4.2 Sanitary fixture, floor drain, or Private Sanitary Sewer to the Storm Sewer System.

4.0 USE OF SEWER SYSTEMS

4.1 No Person shall use the Municipality's sanitary and storm sewer system, unless:

4.1.1 They have an active utility account and wastewater and stormwater flow through an approved service connection point; or

4.1.2 The Municipality has provided written permission to use the Municipality's Sewer System.

4.2 The *Source Control Bylaw* regulates the release and discharge and allowable concentrations of pollutants and deposits into the Sewer System.

4.3 The Municipality shall not be liable for damages, including losses caused by a break or blockage within the Municipality's Sewer System or caused by the interference or cessation of sanitary or storm service including those necessary or advisable regarding the repair or proper maintenance of the Municipality's Sewer System, or generally for any accident due to the operation of the Municipality's system or for the disconnection of service connection.

4.4 Any Person who releases restricted matter into the Sewer System must notify the Municipality of the release immediately.

5.0 OWNERSHIP, OPERATION, MAINTENANCE, AND REPAIR OF SEWER SYSTEM

5.1 The Municipality remains the Owner of all Sewer System infrastructure necessary to provide sanitary and storm services to Owners, up to and including the Service Connection Point, unless a written agreement between the Municipality and the Owner specifically provides otherwise. Payment made by an Owner for costs incurred by the Municipality installing facilities does not

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entitle the Owner to ownership of any such facilities, unless a written agreement between the Municipality and the Owner specifically provides otherwise.

- 5.2 All other items on an Owner's property including all pipes, fittings, and other items attached to the Sewer System, are considered their Private System and shall be the property of the Owner.
- 5.3 An Owner shall be responsible for the installation, inspection, repair, and maintenance of all Private Systems owned by the Owner.
- 5.4 No Person other than a Person authorized by the Municipality or this Bylaw, shall install, test, remove, repair, replace, tamper with, operate, or disconnect any part of the Sewer System owned by the Municipality.
- 5.5 If the Municipality deems it necessary or in the public interest, the Municipality may inspect, maintain, repair, or construct a component of Private System or may assist an Owner in arranging such work. Such work or assistance shall not transfer responsibility for any Private System to the Municipality and the Municipality may enter into an agreement with the Owner to recover the cost of any such work or assistance.
- 5.6 Pursuant to this Bylaw, an Order may be issued to require the Owner of any Private System works to, within a specified timeframe, repair, maintain, or disconnect any part of the Private System that is found to be in contravention of this Bylaw or preventing enforcement of this Bylaw.
- 5.7 No Person, except as authorized by the Municipality or this Bylaw shall:
- 5.7.1 Operate, handle, or interfere with the Municipality's provision of wastewater collection, storm collection, or operation and maintenance of the Sewer System;
 - 5.7.2 Operate or interfere with the Municipality's utility holes, pipes, or other parts of the Sewer System;
 - 5.7.3 Impede access to the Sewer System.

6.0 PROTECTION OF SEWER SYSTEM

- 6.1 Every Person shall take all necessary measures to prevent any contaminant from

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directly or indirectly entering the Sewer System.

6.2 The Municipality shall have the authority to carry out any inspection on any land or structure, that is reasonably required to ensure compliance with this Bylaw and compliance with the Municipality's Sewer System operational practices, including but not limited to:

6.2.1 Inspect any Private Systems;

6.2.2 Inspect any land or structure where an incident has, or suspected to have occurred, and sample and test any or all matter, materials, or equipment that could have reasonably have contributed to the contamination.

6.3 Any Person who is found obstructing access to the Sewer System shall immediately remove the obstruction and provide access upon request.

6.4 The Owner of a premises shall be responsible for providing access to the Municipality when required to conduct any authorized inspection or test under this Bylaw.

7.0 CONNECTING TO THE MUNICIPALITY'S SEWER SYSTEM

7.1 All Property Owners whose property is adjacent to a Municipal Sewer main may request to be connected to the Municipality's Sewer System.

7.2 All costs associated with connecting to the Municipality's Sewer System are the responsibility of the Owner.

7.3 The Owner must obtain approval from the Municipality prior to any connection to the Sewer System. The Municipality has full authority to dictate applicable Standards and impose conditions on the connection to the Sewer System.

7.4 The Owner shall apply to the Municipality for a utility account for the provision of sanitary and storm service. An account must be opened before services are used. Persons who use the service without opening an account will be liable for the costs as estimated by the Municipality in addition to other enforcement of the contravention.

7.5 For large developments or new connections, the Municipality may require a

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wastewater or stormwater network analysis to be completed to ensure the Sewer System's network reliability will not be compromised and to determine if the Sewer System's capacity can accommodate the new development or connection peak flows. The Municipality may refuse connection to the Sewer System for any scenario that may compromise the reliability of the Sewer System or require the Sewer System to be upgraded prior to development. The cost of conducting this analysis will be borne by the Owner, unless agreed to otherwise by the Municipality.

- 7.6 The Owner shall pay a Service Connection Fee at the time of the development permit application. The Owner shall schedule an inspection with the Municipality when the new service line is being connected to the Municipality's Sewer System. Acceptance of the site servicing connections is required prior to the release of the damage deposit.

8.0 SERVICE LINE BACKUPS

- 8.1 The Owner is responsible for taking reasonable precautions to keep the service lines unobstructed.
- 8.2 If a service line backup has occurred the Municipality will respond to the backup in accordance with the Council Policy – *Utility Service Lines*.

9.0 ACCOUNTS AND CHARGES

- 9.1 The rates and charges to be charged for storm services, wastewater services, and overstrength fees shall be set out from time to time in the *Fees and Charges Bylaw*.
- 9.2 Billed wastewater quantities will be based on the water consumption usage. For properties without a water service, wastewater quantities will be estimated.
- 9.3 All storm services, wastewater service charges, overstrength fees and all associated fees will be set out in the monthly utility bill.
- 9.4 In the event that such utility bill shall remain unpaid after Twenty (20) days following the date upon which the utility bill was mailed, there shall be added by way of penalty an amount of two and one half percent (2.5%) of the unpaid

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current utility bill. Said penalty shall be added to and shall form part of the unpaid utility bill.

- 9.5 In the event any utility charges shall remain unpaid after the penalty date, the Municipality may take any or all of the following actions to recover:
- 9.5.1 Written notice of arrears requesting payment, including authorizing appropriate payment arrangements;
 - 9.5.2 Disconnection of water service, applying any deposit held by the Municipality and imposing a re-connection fee prior to re-establishing water services;
 - 9.5.3 Adding the outstanding account balance to the Owner's Property Tax Roll;
 - 9.5.4 By action, in any court of competent jurisdiction.

10.0 DISCONNECTING SEWER SERVICE

- 10.1 The Municipality may disconnect the sewer connections to a property if:
- 10.1.1 The Owner fails to open an account;
 - 10.1.2 The Municipality believes an emergency exists;
 - 10.1.3 The property's Private Systems are unsafe, defective, leak excessively, or cause contamination or deterioration of the Sewer System;
 - 10.1.4 The Property Owner fails or refuses to comply with terms in this Bylaw or Source Control Bylaw;
 - 10.1.5 The Sewer System requires repair or maintenance;
 - 10.1.6 Any appurtenance on private property carries the potential to harm or otherwise creates potential to damage the Municipality's Sewer System in any way;
 - 10.1.7 The Property Owner fails to provide the Municipality adequate access on the property for the purpose of ensuring compliance with this Bylaw or the *Source Control Bylaw*;
 - 10.1.8 In the opinion of the CAO, it is reasonable to do so.
- 10.2 Disconnection of the sewer connection may involve the physical removal of the service line from the sewer system or the plugging of both ends.
- 10.3 Any costs to disconnect the sewer connection will be borne by the Owner(s) if the disconnection is required at the fault of the Owner.

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10.4 The Owner(s) who wishes to permanently disconnect from the Municipality's sewer system must, at the Owner(s) cost:

- 10.4.1 Apply to the Municipality in writing for authority to disconnect;
- 10.4.2 Remove the connection in a manner acceptable to the Municipality;
- 10.4.3 Comply with any other requirements set out by the Municipality.

11.0 ENFORCEMENT

11.1 A Person who contravenes any provision of this Bylaw is guilty of an offence.

11.2 Where a contravention of the Bylaw is of a continuing nature, each day such contravention continues shall constitute a new and separate offence.

11.3 A Person who is guilty of an offence under this Bylaw is liable on summary conviction to a fine not exceeding \$10,000 or to an order of imprisonment for not more than one year, or both, but shall at minimum be liable for:

- 11.3.1 To a fine in an amount of \$1,000 for a first offence under this Bylaw;
- 11.3.2 To a fine of \$2,500 for each subsequent offence.

11.4 A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.

11.5 Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

11.6 A Peace Office may issue, with respect to an offence under this Bylaw, a Violation ticket:

- 11.6.1 Specifying the fine amount established by this Bylaw; or
- 11.6.2 Requiring an appearance in court without the option of making voluntary payment

11.7 Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

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11.8 A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this Bylaw.

12.0 POWERS OF THE CAO

12.1 Without restricting any other power, duty, or function granted by this Bylaw, the CAO may:

12.1.1 Establish standards and guidelines for the purposes of design and construction;

12.1.2 Carry out any inspections to determine compliance with this Bylaw;

12.1.3 Take any steps or carry out any actions required to enforce this Bylaw;

12.1.4 Take any steps or carry out any actions required to remedy a contravention of this Bylaw;

12.1.5 Establish areas where activities restricted by this Bylaw are permitted;

12.1.6 Establish forms for the purpose of this Bylaw;

12.1.7 Issue approvals with such terms and conditions as are deemed appropriate;

12.1.8 Establish the criteria to be met for approval to be issued pursuant to this Bylaw;

12.1.9 Waive or vary any Fee payable pursuant to this Bylaw; and

12.1.10 Delegate any powers, duties, or functions under this Bylaw.

13.0 SEVERABILITY

13.1 If any Section or parts of this Bylaw are found in any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

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COMING INTO FORCE

That Bylaw 11/2022 and Bylaw 13/2022 is hereby repealed.

This Bylaw shall come into full force and effect when it receives third reading and is duly signed.

READ a first time on the 28 day of May, 2024.

READ a second time on the 25 day of June, 2024.

READ a third time on the XX day of XXXX, 2024.

Simon Boersma
Mayor

Naleen Narayan
Chief Administrative Officer