

City of Melfort

BYLAW NO. 2011-24

A bylaw of the City of Melfort regulating the use of the public sewage works and storm sewers and to provide for the levying and collecting of a charge for the use of the public sewage works.

The Council of the City of Melfort, in the Province of Saskatchewan, hereby enacts as follows:

Short Title

1. This bylaw shall be known as "The Sewage Works Control Bylaw".

Part I: Control of Public Sewage Works

Definitions

2.
 - (a) "Biochemical Oxygen Demand" means the quantity of oxygen, expressed in parts per million or milligrams per litre, utilized in the biochemical oxidation of organic matter for five days at a temperature of 20 degrees centigrade. The determination of the Biochemical Oxygen Demand shall be in accordance with procedures set forth in Standard Methods.
 - (b) "Body of Water" means a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, swamp, marsh, canal, or other flowing or standing water.
 - (c) "Building Drain" means that part of the lowest horizontal piping, including any vertical offset, of a drainage system in a building and extending one metre out from the outside face of the outer wall of the building that receives the discharge from a soil pipe, waste pipe or other drainage pipe and conveys it to the building sewer.
 - (d) "Building Sewer" means that part of a drainage system outside the building commencing at a point one metre from the outer face of the building and connecting the building drain to the public sewer or private sewage works.
 - (e) "City" means the corporation of the City of Melfort and the area contained within the limits of the City of Melfort.
 - (f) "City Engineer" means the Director of Works and Utilities of the City of Melfort or his authorized deputy agent or representative.
 - (g) "Commercial and Industrial Property" includes only land and improvements:
 - (i) used or intended to be used for business purposes, including land and improvements for office, wholesale, retail, service, hotel, motel, industrial and manufacturing activities, transportation, communications and utilities;
 - (ii) used or intended to be used for institutional, government,

recreational or cultural purposes; or

- (iii) not specifically included in another class of property.
- (h) "Commercial and Industrial Rate" means the rates, charges, levies and costs imposed pursuant to this Bylaw for the supply of sewer service to a commercial or industrial property for the use of business, industry or activity carried on therein.
- (i) "Concentrated Sewage" means sewage having either a higher content of suspended solids or a higher five day Biochemical Oxygen Demand as determined by tests using Standard Methods than standard or normal sewage.
- (j) "Drainage System" means an assembly of pipes, fittings, fixtures, traps, and appurtenances that is used to convey sewage, clear water, waste or storm water to a building sewer or private sewage works but does not include subsoil drainage pipes.
- (k) "Gallon" means Imperial Gallon.
- (l) "Grease" means fats, waxes, oils and other non-volatile material determined in accordance with procedures contained in Standard Methods.
- (m) "Industrial Waste" means any liquid waste from an Industrial, Manufacturing or Commercial establishment, but does not include radioactive waste.
- (n) "Interceptor" means a receptacle that is installed to prevent oil, grease, sand or other materials from passing into a drainage system.
- (o) "Local Authority" means Public Health Officers who administer the Plumbing and Drainage Regulations made pursuant to *The Public Health Act, 1994*.
- (p) "Multi-Unit Residential Property" includes only land and improvements used or intended to be used for or in conjunction with a residential purpose and to accommodate more than four self-contained dwelling units within a parcel.
- (q) "Multi-Unit Residential Rate" means the rates, charges, levies and costs imposed pursuant to this Bylaw for the supply of sewer service to a multi-unit residential property for the domestic use of the occupants thereof.
- (r) "Owner" means the registered owner of a property or the purchaser thereof who is entitled to occupy and use the property.
- (s) "Parts Per Million abbreviated as p.p.m." means milligrams per litre.
- (t) "Person" includes any person, firm, company, association, society, corporation or group owning or occupying any building or place or having the management or supervision or control of any building or place to which this bylaw applies and includes owner.

- (u) "pH" means the logarithm, to the base 10, of the reciprocal of the hydrogen ion concentration in moles per litre.
- (v) "Public Sewage Works" means any works for the collection, transmission, treatment and disposal of public sewage and includes a ditch, drain, sewer pipe or conduit used for the conveyance of sewage and includes sewage treatment plant.
- (w) "Private Sewage Works" means a privately owned plant for the treatment and disposal of sewage (such as a septic tank with an absorption field).
- (x) "Properly Shredded Garbage" means waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will flow freely under conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.
- (y) "Residential Property" includes only land and improvements used for or intended to be used for or in conjunction with a residential purpose, but does not include multi-unit residential property.
- (z) "Residential Rate" means the rates, charges, levies and costs imposed pursuant to this Bylaw for the supply of sewer service to a residential property for the domestic use of the occupants thereof.
- (aa) "Radioactive Waste" means uranium, thorium, plutonium, neptunium, their respective derivatives and compounds, radioactive isotopes of all elements and any substances containing such isotopes in greater concentration than is normally found in plant and animal life.
- (bb) "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (cc) "Sewage" means a combination of the water-carried wastes from residences, industrial establishments, commercial and business buildings and institutions together with such ground, surface, and storm water as may be present.
- (dd) "Sewage Treatment Plant" means an arrangement of structures and equipment used for treating sewage.
- (ee) "Standard Methods" means the analytical and examination procedures set forth in the current edition of "Standard Methods for the Examination of Water and Waste Water", published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.
- (ff) "Standard or Normal Sewage" means sewage having a Biochemical Oxygen Demand content in parts per million in the sewage effluent of 300 parts per million or less, and having a Suspended Solids content in parts per million in the sewage effluent of 300 parts per million or less, and having a Grease content in parts per million in the sewage effluent of 100 parts per million or less.
- (gg) "Storm Sewer" means a sewer designed or intended to carry storm water, ground

water, unpolluted industrial and cooling water.

- (hh) "Storm Water" means water that is discharged from a surface as a result of rainfall or snowfall.
- (ii) "Suspended Solids" means solids that either float on the surface of or are held in suspension in water, sewage or other liquids and which may be removed by laboratory filtering.

Use of Sanitary Sewer

- 3. (1) No person shall discharge into a sanitary sewer any of the following waters, liquid or wastes:
 - (a) Any liquid or vapour having a temperature greater than 150⁰F.
 - (b) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (c) Any garbage other than properly shredded garbage; provided however that shredded garbage shall not be discharged from a garbage disposal unit operated by a motor having a horsepower rating greater than one-third horsepower unless a permit has been obtained from the City Engineer.
 - (d) Any ashes, cinders, sand, stone, or any other solid or viscous substance which may cause difficulty in the public sewage works.
 - (e) Any paunch manure, pigs' hooves or toenails, bones, hog bristles, hides or parts of hides, animal or fish fat or flesh, horse, cattle, sheep or swine manure, poultry entrails, heads, feet, feather, and eggshells, fleshings and hair resulting from tanning operations.
 - (f) Any water or waste having a pH lower than 5.5 or higher than 9.5 or having any corrosive, damaging or hazardous property capable of damaging structures, equipment, biological sewage treatment processes or personnel.
 - (g) Any water or waste containing a toxic or poisonous substance, or a waste which when combined with another waste may cause toxic or poisonous substances to be liberated.
 - (h) Any noxious or malodorous substance capable of creating a public nuisance.
 - (i) Any water or waste containing suspended solids of such character or quantity that special attention or expense is required to handle such material at the sewage treatment plant.
 - (j) Any sand, grit or similar material.

- (k) Grease, blood or other food products from a restaurant or food processing facility.

Discharge of Waste

- (2)
 - (a) No person shall discharge or cause to be discharged or permit to be discharged any radioactive waste into any sewer of the City of Melfort unless that person has a valid written permit from the City Council of Melfort allowing such person to discharge waste.
 - (b) Any person applying for a permit for the discharge of radioactive waste into any sewer of the City of Melfort (the Applicant) shall at all times comply with this regulation, and any requirements or specifications contained in the permit issued by the City for the discharge of such waste.
 - (c) The applicant shall at the applicant's expense carry out regular monitoring of the effluent as may be required by the Director of Works & Utilities and supply the Director of Works & Utilities with regular reports of the monitoring. The Director of Works & Utilities shall have the right to test the effluent and the cost of any test made by the Director of Works & Utilities shall be borne by the applicant.
 - (d) The City Council shall not issue a permit to discharge radioactive waste into any sewer of the City of Melfort unless the effluent meets the allowable radioactive concentrations specified in the Municipal Drinking Water Objectives of the Province of Saskatchewan.
 - (e) The permit may be cancelled at any time by the City Council if the radioactive concentration and other limits exceed those specified in Section 3(1)(f) above.

Use of Storm Sewer Drainage of Roof Areas

- 4.
 - (1) Where a storm sewer is accessible, the roof area of an industrial, commercial, institutional, residential or multi-unit residential building occupied by more than three families and having ground area over 3,000 square feet, shall be drained by every person into the storm sewer.
 - (2) Where a storm sewer is not accessible and any of the buildings referred to in subsection (1) have ground coverage in excess of 75 percent of the lot area, the person shall at time of construction of the building make provision for drainage of the roof area to the storm sewer and shall connect the building at such time as a storm sewer becomes accessible.
 - (3) A parking area over 15,000 square feet in area shall be drained by the person into a storm sewer unless otherwise agreed to in writing by the Director of Works & Utilities.

Drainage of Private Water Supply

5. (1) No person shall discharge or cause to be discharged into any sewer in the City of Melfort sewage or industrial waste (including cooling water) in a volume greater than 1,000 gallons per day above that purchased from the City of Melfort without obtaining a permit to do so from the City. Where such permit has been obtained, such person shall not discharge into any sewer in one day a volume greater than the volume stated in the permit.

Interceptors

6. (1) Any person owning, operating, or being in charge of a public garage, automobile wash floor, dry cleaning establishment, milk plant, creamery, laboratory, vehicle and equipment washing establishment, concrete plant and aggregate washing plant or such other place where the Engineer may require, shall provide on the waste outlet of the establishment a gasoline, oil, grease, chemical or grit interceptor in conformity with the requirements of the Local Authority. Restaurants and food processing facilities shall provide an interceptor unless otherwise exempted from this provision by the Local Authority.
- (2) Interceptors shall at all times be maintained in an efficient working condition at the expense of the person or owner. Interceptors and separators must be maintained in efficient operating conditions by the periodic removal of accumulated grease.
- (3) A grease interceptor shall not have an opening or other means designed for the addition of an enzyme or other additive.
- (4) The grease collected from a grease interceptor shall not be introduced into the sanitary sewer.
- (5) Interceptors are subject to periodic inspection by City of Melfort staff. If interceptors are not being maintained or are operated in an unacceptable manner, the owner may be subject to a penalty under the General Penalty & Enforcement Bylaw or other enforcement action by the City of Melfort.
- (6) The City Engineer can require the installation of an Engineer-designed interceptor at any facility if deemed necessary at any time.

Blockage of Sewerage System Because of Non-Observance of Bylaw

7. Where partial or total blockage of part of the sewer system is caused because of failure to strictly comply with the provisions of this bylaw, the person, persons, corporation, establishment, body corporate, organization or entity whose actions or omissions caused, or resulted in the partial or total blockage shall, in addition to The General Penalty & Enforcement Bylaw, 2006, be liable to the City for all costs of clearing such blockage. Such cost shall constitute a debt due to the City.

Permit for Discharge of Industrial Waste

8. (1) Notwithstanding anything contained in this bylaw, no person shall discharge or cause to be discharged any industrial waste into any sewer unless he applies to the City Engineer for a permit allowing such person to discharge such waste.

- (2) The City Engineer shall not issue a permit to any applicant to discharge industrial waste into the sewerage system until:
 - (a) The applicant has supplied the City Engineer with the chemical and physical analysis, quantity and discharge rate of industrial waste and sewage proposed to be discharged and with all such other pertinent data that the City Engineer may require.
 - (b) If ordered by the City Engineer to do so, the applicant has, at his own expense, installed a suitable control manhole in the sewer connection to facilitate observation, sampling and measurement of the waste.
- (3) The manhole referred to in Clause (b) of subsection (2) of this section shall be safely located and accessible and shall be constructed according to plans provided by the City Engineer and shall be maintained by the applicant so as to be at all times safe and accessible to the City of Melfort.
- (4) The permit granted may contain such conditions that are, in the opinion of the City Engineer, necessary or desirable for the control of the use of the sewerage system and the discharge of waste into the sewerage system, and without limiting the generality of the foregoing, the permit may stipulate that the person applying for a permit shall, at his own expense, provide such preliminary treatment facilities as are necessary to change the characteristics of the sewage and make them acceptable to the standards of the City.

Analyses and Tests

9. (1) All measurements, tests and analyses of the characteristics of industrial wastes, sewage or water to which reference is made in this bylaw shall be determined in accordance with the test known as "Standard Methods For The Examination of Water and Waste Water" and shall be determined on samples taken at the control manhole or at the first regular manhole immediately downstream from the entrance of the effluent of the plant or the City may enter upon the premises from which the sewage originates and conduct the test as the City considers necessary.
- (2) Any test conducted by the City may be used to determine whether or not a surcharge is to be imposed.

Monitoring Equipment

10. (1) Where in the opinion of the City, any source of sewage connected to the sewer system is likely to produce sewage not in compliance with the Bylaw, the City may test the characteristics and concentrations of the sewage being discharged and may maintain a record of each such analysis.
- (2) Should any testing of sewage as described in subsection (1) disclose that the sewage is not in compliance with this Bylaw, the City may, in addition to any other provision of this Bylaw:

- (a) direct the owner to comply with this Bylaw;
- (b) direct the owner at the owner's expense to undertake such monitoring as the City considers necessary; and
- (c) supply the results of such monitoring to the City on frequency as specified by the City.

Methods of Sampling of Wastewater

11. (1) The method of sampling of wastewater from industrial or commercial premises shall be conducted in accordance with one of the grab sampling methods as described in this section or by a composite sampling device and a composite sampling method approved by the City.
- (2) Method No.1:
- (a) Samples shall be collected from the wastewater produced at the location each day for a minimum of two days in each week that the test is conducted.
 - (b) Four grab samples of equal volume shall be taken each day, such samples to be taken at least one hour apart.
 - (c) Tests and analysis shall be conducted on the composite sample made of each day's grab samples. The composite sample shall be proportioned according to the rate of sewage flow at the time each grab sample is taken.
 - (d) The analysis of these tests shall be average for this period to determine the characteristics and concentration of the wastewater being discharged into the City sewer system.
- (3) Method No.2:
- (a) A minimum of seven grab samples shall be taken, one each day at different days in any thirty-day period.
 - (b) Tests and analysis shall be conducted separately on each day's grab sample.
 - (c) The final analysis of the test results shall be averaged for this period to determine the characteristics and concentration of the wastewater being discharged into the sewer system. The average shall be weighed according to the rate of sewage flow at the time of each grab sample was taken.

No Discharge into a Body of Water

12. No person shall discharge into a body of water any sewage or other polluted waters, except storm water unless he is allowed to do so under The Pollution of Waters (Prevention Act)

or other applicable Provincial or Federal Law.

Duty to Connect Fixture

13. The owner of a building which is used as a residence or place of employment and which abuts on any street, alley or right-of-way under which exists a sanitary sewer shall, at his own expense, install such toilet and other facilities as are required by the City and shall, within 90 days from the day when required to do so, connect the facilities with the sanitary sewer in conformity with the requirements of the local authority.

Installation of Backwater Valve

14. In addition to the requirements of the Saskatchewan Plumbing and Drainage Regulations, it shall be the responsibility of every applicant for a sanitary sewer connection to install a backwater valve on the main building drain for a single-family use or on all lateral pipes connected to the main building drain for multi unit use. Backwater valves installed in the building drain, which are not normally open, will require that a vent pipe of no less than 1½ inch (38mm) in diameter be installed in the building drain at the interior wall through which the building drain exits the building.

Tree Roots on City-owned Property

15. Where it is determined to the City's satisfaction that a sewer service line has become obstructed due to roots from a tree located on City-owned property, the City may, at its discretion, assume responsibility for a portion of the costs incurred in clearing the said sewer service line in accordance with such policy as may be established by resolution of Council.

Private Sewage Works

16.
 - (1) Where a public sanitary sewer is not available the owner of a building or place shall drain the sewage from the building or place into a private sewage works complying with the provisions of this section and the requirements of the local authority.
 - (2) No person or owner shall commence construction of a private sewage works until he has obtained a written permit signed by the local authority. The application for such permit shall be made on a form furnished by the City which the owner or person shall supplement by any plans, specifications and other information as are deemed necessary by the local authority.
 - (3) Any owner of, or person who constructs or causes to be constructed a private sewage works shall:
 - (a) complete the same to the satisfaction of the local authority;
 - (b) allow the local authority to inspect the work at any stage of construction;
 - (c) notify the local authority when the work is ready for final inspection and before any underground portions are covered;

- (d) ensure that an inspection of the private sewage works is done by the Director of Works & Utilities either before or after the permit is issued; and
 - (e) allow the Director of Works & Utilities to inspect the construction of the private sewage works.
- (4) The owner or person having a private sewage works shall, at his own expense, operate and maintain the private sewage works in a sanitary manner.

Duty to Connect Private Sewage Works to Public Sewage Works

17. When a sanitary sewer becomes available to a place served by a private sewage works, the person or owner shall connect or cause to be connected within 90 days from the date when the sanitary sewer became available, to the sanitary sewer in compliance with this and all other pertinent bylaws of the City of Melfort and the requirements of the local authority, unless otherwise exempted by the City. Any septic tanks, cesspools and similar private sewage disposal facilities shall thereafter be cleaned of sludge and filled with pit run gravel or dirt.

Inspectors and Authority

18. The local authority and the City Engineer and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing as provided for in this bylaw.

Interference with the Sewage Works

19. Unless permitted by the City Engineer, no person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public sewage works.

Permit Subject to Revocation

20. Any permit issued under the terms of this bylaw may be subject to suspension or revocation by the City of Melfort.

Limitation of Liability

21. (1) Sewer services shall only be supplied on the condition that the applicant shall make no claim against the City, its officials, employees or agents except with respect to damage caused by the negligence of the City, its officials, employees or agents acting within the scope of their employment, as the case may be. It is a further condition of supply that the applicant shall make no claim for any indirect, incidental or consequential damages, including, but not limited to, lost profits. Not to limit the generality of the foregoing, the City shall not be liable for:
- (a) actions based in nuisance;

- (b) actions in respect of losses which may reasonably have been prevented by properly maintained backwater valve; or
 - (c) actions in respect of losses related to the interruption or termination of sewer services or failure or refusal to provide sewer services whether or not notice was provided.
- (2) Sewer services shall only be provided on the condition that the applicant shall indemnify and save harmless the City, its officials, employees and agents in respect of all claims arising from the provision of sewer service, excepting those claims caused by negligence as described in Subsection (1). Not to limit the generality of the foregoing, the applicant shall indemnify and save harmless the City, its officials, employees and agents from and against claims for damages by the applicant or any third party arising directly or indirectly:
- (a) from the connection with the Sewage Works System or the provision of sewer services to the premises owned or occupied by the applicant or any person to whom the applicant is a agent;
 - (b) from the failure of the Sewage Works System, sanitary sewer connections or any part thereof or appurtenance thereto; or
 - (c) from the absence or lack of a properly operating backwater valve.
- (3) The City, its officials, agents, employees or representatives shall not be liable for any act or omission validly done pursuant to any of the provisions of this regulation, except with respect to claim for damage caused by the negligence of the City, its agents, employees or representatives.

Compliance with Other Laws

22. Compliance with this bylaw shall not relieve any person or owner from compliance with any other Provincial or Federal laws and other pertinent bylaws of the City of Melfort.

Penalty

23. A person who violates any provision of this bylaw is subject to a penalty under the General Penalty & Enforcement Bylaw.

Part II: Imposition of Sewer Service Charges

Domestic Users

24. Every person or corporation shown by the records of the City's Utility Department to be the occupant of residential or multi-unit residential property which is connected with the City's water and sewerage systems shall pay to the City a sewer service charge which shall be based on a portion of the basic monthly water and sewer service fees as set forth in Schedule "A" of the Waterworks Bylaw.

Commercial and Industrial Users

25. Every person or corporation shown by the records of the City's Utility Department to be the occupant of commercial or industrial property which is connected to the City's water and sewerage system shall pay to the City a sewer charge which shall be based on a portion of the basic monthly water and sewer service fees as set forth in Schedule "A" of the Waterworks Bylaw.

Domestic Accounts

26. Accounts for sewer service charges against domestic users under the terms of this bylaw shall be added to the bi-monthly water bills under the basic monthly water and sewer fees of said bi-monthly bills.

Commercial and Industrial Accounts

27. Accounts for sewer service charges against commercial and industrial users under the terms of this bylaw shall be added to the monthly water bills under the basic monthly water and sewer fees of said monthly bills.

Outside Users

28. Owners or occupants of property outside the corporate limits of the City of Melfort who desire to be connected to the City's sewerage system may apply to City Council for a connection with the City's sewerage system. Where the application of such person is granted such person shall be charged a sewer service charge at such rate as may be determined by Council.

Sewer Service Charge to be a Debt

29. All charges made under the terms of this bylaw shall be a debt due to the City and may be levied and collected in the same manner as taxes that are not a lien upon land recoverable.

General

30. Words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa and words importing individuals shall include firms and corporations, and vice versa.

31. This Bylaw shall come into force and take effect on the day of the final passing thereof.

Read a first time this 14th day of November, 2011.

Read a second time this 14th day of November, 2011.

Read a third time and passed this 14th day of November, 2011.

Mayor

City Clerk

SEAL

CERTIFIED a true copy of Bylaw No. 2011-24
adopted by Resolution of Council on the 14th
day of November, 2011.

City Clerk

Schedule “A”

Liquid Waste Service

The following charges shall be applicable to all users delivering liquid waste directly to the City of Melfort's lagoons.

Monthly Fee of \$125.00 plus applicable taxes