

WESTLOCK COUNTY
PROVINCE OF ALBERTA
PICKARDVILLE LAGOON DISPOSAL BYLAW
BYLAW NO. 12-2015

BEING A BYLAW TO PRESCRIBE OFFENCES, FINES AND OTHER PENALTIES FOR IMPROPER DISPOSAL AT WESTLOCK COUNTY'S PICKARDVILLE LAGOON.

WHEREAS under the *Municipal Government Act*, Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS under the *Municipal Government Act*, Council may pass bylaws respecting services provided by the municipality as well as the creation of licenses, as well as offences and fines and penalties for those offences;

AND WHEREAS the Council of Westlock County wishes to regulate the disposal of septage at its Pickardville Lagoon through a system of licenses;

NOW THEREFOR under the authority and pursuant to the provisions of the *Municipal Government Act* and all other enabling Acts and powers conferred, the Council of Westlock County, duly assembled, enacts as follows:

BYLAW TITLE:

1. This bylaw may be cited as the "Pickardville Lagoon Disposal Bylaw".

DEFINITIONS:

2. In this bylaw:

- (a) "CAO" means the Chief Administrative Officer of Westlock County, as described in Alberta's *Municipal Government Act*;
- (b) "Council" means Westlock County Council;
- (c) "County" means the municipal corporation of Westlock County;
- (d) "gate key" means a key to access the Pickardville Lagoon. These keys are the sole property of the County. The County lends them to septage haulers on deposit for an amount specified in Schedule "A";
- (e) "Pickardville Lagoon" means the Lagoon located within Westlock County at 4-27-58-26-SE (meridian-range-township-section-quarter section);
- (f) "septage" means a liquid or solid material removed from a septic tank, holding tank, pit toilet (pit pivy), or similar system that receives only domestic wastewater but does not include wastes from grease traps, industrial or commercial processes;

- (g) “septage hauler” means a commercial entity that collects and disposes of septage as a commercial enterprise;
- (h) “septic disposal license” means the license that each hauler is required to have to legally dispose of septage in Westlock County’s Pickardville Lagoon.

GENERAL PROVISIONS:

3. Only septage may be disposed of at the Pickardville Lagoon. If a septage hauler wishes to dump any other kind of material in the Pickardville Lagoon, they must apply for and obtain consent in writing from the County.
4. Septage haulers must
 - (a) obtain a septic disposal license from the County,
 - (b) obtain a gate key from the County, and
 - (c) pay the applicable licensing fee and the applicable gate key deposit set out in Schedule “A”before receiving access to or disposing of septage at the Pickardville Lagoon.
5. When a septage hauler applies for a septic disposal license, they will be required to provide
 - (a) the legal name of the septage hauler,
 - (b) the address of the septage hauler,
 - (c) the name, address and phone number of the owner and their local business agent.
6. Septic disposal licenses will be valid for one year from January first to December thirty-first. Septic disposal licenses are non-transferable.
7. The County reserves the right to
 - (a) cancel or suspend a septic disposal license, or
 - (b) direct a septage hauler to return their gate keyif the County has reasonable and probable grounds for doing so.
8. If a septage hauler loses their gate key and requests another, their deposit will be forfeit and they will pay the applicable deposit to continue using the Lagoon.
9. If either party wishes to suspend or cancel the septage hauler’s septic disposal license the hauler will relinquish their septic disposal license and gate key to the County, at which time the County will refund their key deposit.

10. Notwithstanding section 8, if the gate key is found, Westlock County will refund the deposit to the payer if that gate key is returned to Westlock County.

11. Septage haulers that apply for a septic disposal license must

- (a) have at least two (2) million dollars of valid comprehensive liability insurance,
- (b) show proof of that insurance to Westlock County when applying for the septic disposal license, and
- (c) maintain that insurance for the entire period of their septic disposal license.

12. Septage haulers that dispose of septage at the Pickardville Lagoon may only dispose of septage from

- (a) residences in Westlock County, or
- (b) residences in municipalities approved by Council and listed in Schedule “B”,
- (c) commercial or industrial entities pre-approved in writing by Westlock County

13. Septage haulers that dispose of septage in the Pickardville Lagoon must submit to the County

- (a) a Monthly Disposal Report (Schedule “D”) stating the number of loads they hauled to the Pickardville Lagoon that month, and the volume of each load in cubic metres,
- (b) the dumping fee, calculated as twenty-five (25) dollars per load plus GST.

14. Monthly Disposal Reports must be submitted by the tenth day of the following calendar month.

OFFENCES, FINES AND PENALTIES:

15. A contravention of this bylaw or a failure to comply with it is an offence and subject to a fine of up to \$10,000 or imprisonment for not more than one year, or both, as set out in Schedule C.

16. Without limiting the generality of section 15, it is an offence for anyone to

- (a) dispose of waste products that do not fall under the definition of septage set out in section 2, unless written consent has been obtained from the County;
- (b) dispose of septage at the Pickardville Lagoon without a valid septic disposal license from Westlock County in their name or the name of the

septic hauler that they work for;

- (c) provide false information to the County to obtain a septic disposal license;
- (d) dispose of septage without maintaining two (2) million dollars of general liability insurance;
- (e) dispose of septage that originated from a residence outside of Westlock County or outside an approved municipality;
- (f) dispose of septage from a commercial or industrial entity that has not been pre-approved in writing by Westlock County;
- (g) fail to submit a Monthly Disposal Report with the correct dumping fee by the tenth day of the following month;
- (h) duplicate a gate key;
- (i) Fail to notify the County of any changes to the information listed on their septic disposal license;
- (j) fail to return a gate key by the date requested by the County.

17.If a septic hauler commits one of the offences described in sections 16(d), (g), or (i), the septic hauler will be fined and will have their septic disposal license suspended until the septic hauler corrects the error.

18.In addition to any other remedy available to the County for non-compliance with this bylaw, the County may direct a septic hauler to restore the Pickardville Lagoon, at the septic hauler's cost, to Provincial standards for wastewater lagoon performance and design, if that septic hauler has

- (a) damaged the physical infrastructure of the lagoon,
- (b) disposed of an unauthorized substance, such as but not limited to petroleum products,
- (c) harmed the Lagoon or its operation in any other way requiring restorative action.

19.Notwithstanding section 18, the County, at its discretion, may, instead of directing the offending septic hauler to restore the Lagoon, carry out the work to restore the Pickardville Lagoon to Provincial operation and design standards, and bill the offending septic hauler for the costs the County incurred in carrying out the work.

20.If a septic hauler fails to restore the Pickardville Lagoon as directed by the County under section 18, the County may carry out the work to restore the

Pickardville Lagoon to Provincial operation and design standards, and bill the septic hauler for the costs the County incurred in carrying out the work.

21. The costs the County incurs under section 19 are recoverable from the septic hauler as a debt due and payable on demand to the County.

22. Prosecution for a contravention of this bylaw does not relieve a person or septic hauler from compliance with this bylaw.

SEVERABILITY:

23. Should any provision of this bylaw be invalid, then the invalid provision shall be severed and the remaining bylaw shall be maintained.

ENACTMENT:

24. This bylaw comes into force upon third reading and proper signature thereof.

READ A FIRST TIME this _____ day of ____ A.D. 2015.

READ A SECOND TIME this _____ day of ____ A.D. 2015;

READ A THIRD AND FINAL TIME this _____ day of ____ A.D. 2015.

Date

Reeve

Date

Administrator

SCHEDULE "A"

LICENSE	ANNUAL LICENSE FEE	GATE KEY DEPOSIT
Septic disposal license	\$100.00	\$100.00

SCHEDULE "B"

APPROVED MUNICIPALITIES
Larkspur

SCHEDULE “C”

FINES			
SECTION	DESCRIPTION	FINE	PENALTY
15(a)	Dispose of unauthorized materials	\$10,000.00	
15(b)	Dispose without license	\$2000.00	
15(c)	Provide false information	\$500.00	
15(d)	Dispose without insurance	\$5000.00	License suspended until insurance obtained or renewed.
15(e)	Dispose of waste from an unauthorized jurisdiction	\$500.00	License revoked
15(f)	Dispose of septage from unauthorized commercial or industrial entities	\$5000.00	
15(g)	Fail to submit monthly report by the deadline		License suspended until Disposal Report is submitted
15(g)	Fail to submit dumping fee by the deadline		License suspended until Disposal Report is submitted
15(h)	Unauthorized duplication of key		License may be revoked
15(i)	Fail to notify of changes		License suspended until current information submitted
15(j)	Fail to return key by requested date	\$500.00	