

## **BYLAW NO. 1304**

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA, RESPECTING PUBLIC WATER SYSTEMS AND SANITARY SEWER SYSTEMS IN THE MUNICIPALITY

WHEREAS Section 7 of the Municipal Government Act being Chapter M-26.1 of the Statutes of Alberta, 1994, and amendments thereto, authorizes Council to pass bylaws in regard to public utilities;

WHEREAS Section 34 of the said Municipal Government Act provides that a public utility service is provided to a parcel of land subject to any terms, costs or charges established by Council;

WHEREAS the definition of "Public Utility" in Section 1 of the said Municipal Government Act includes water systems and sewage disposal systems;

NOW THEREFORE, Council of the Municipality of Bonnyville No. 87, in the Province of Alberta, duly assembled, enacts as follows:

### **SECTION 1 - NAME OF BYLAW**

This bylaw may be referred to as the "Water and Sewer Bylaw".

### **SECTION 2 USE AND CONTROL**

The use and control of all public water systems, common sewers and of any sewage disposal works connected therewith, shall be in accordance with this Bylaw.

### **SECTION 3 AREA OF RESPONSIBILITY**

All water systems, sanitary sewers, drains, and sewage disposal works, belonging to the Municipality now laid down, or hereafter laid down shall be under the direct control of the Municipality.

### **SECTION 4 DEFINITIONS**

- 4.01 "Authorized Employee" means any representative appointed by the administration of the Municipality to do any work upon or with respect to any municipal water or sewer services.
- 4.02 "Consumer" means any owner, tenant, occupant or person in charge of a premises, to whom the Municipality is providing water and/or sewer services.
- 4.03 "Council" means the Council of the Municipal District of Bonnyville No. 87.
- 4.04 "Meter" means a water meter used to measure the amount of water used in either Imperial or Metric measurements.
- 4.05 "Municipality" means the Municipal District of Bonnyville No. 87.
- 4.06 "Occupant" includes a person who has the actual use, possession or control of a premise.
- 4.07 "Owner" means a person who is the registered owner or purchaser under an agreement for sale of a parcel of land.

- 4.08 "Person" means a firm, corporation, owner, occupier, lessee or tenant.
- 4.09 "Premises" includes lands, buildings, structures and improvements thereon.
- 4.10 "Sewer Main" means that portion of sewer line that is laid for the service of more than one consumer.
- 4.11 "Sewer Service Line" means the pipes and fittings which connect a serviced premises to the municipal sewer system.
- 4.12 "Sewer System" means a system for the final disposal of sewage, or any part thereof, and includes all pipes, fittings, fixtures and appurtenances for the collection, transportation, pumping and treatment of sewage.
- 4.13 "Tenant" means a lessee of a serviced premises under a lease agreement and includes but is not restricted to a sub-tenant or licensee under a license agreement.
- 4.14 "Water Main" means that portion of water line that is laid for the service of more than one consumer.
- 4.15 "Water Service Line" means the pipe and fittings that connect the water main to the main shut-off valve inside a serviced premises.
- 4.16 "Water System" means a system for the provision of water and includes all pipes, fittings, fixtures, and appurtenances for the collection, transportation, pumping and/or treatment of water.

## **SECTION 5 - WATER SERVICE**

### **Water Connections**

- 5.01 Upon receipt of an application in writing and the payment of a water service fee and water service deposit, as specified in Schedule "A" to this bylaw, by the owner, occupant, or tenant of any premises within the Municipality, the Municipality shall supply those premises with water PROVIDED THAT;
- 1) the premises to be serviced abuts a municipal water main,
  - 2) the premises to be serviced conforms to the Municipality's bylaws, and
  - 3) the supply of water shall be subject to the terms and conditions of this Bylaw.
- 5.02 Where an owner, occupant, or tenant of any premises requests water service for a premises not abutting a municipal water main the Council shall determine, by resolution or bylaw, the terms and conditions upon which the applicant may be allowed to connect to the water system.
- 5.03 The water service deposit shall:
- accrue interest at the rate specified in Schedule "A" and the interest shall be added to the service deposit on December 31 of each year
  - if the account remains in good standing
    - be credited to the owners account one year after being connected to the system.
    - be refunded to a renter, or other non-owner, of a premises upon termination of the service and full payment of their account.

- if the account is not in good standing, be applied to any unpaid amounts upon termination of the service by the consumer, or by the Municipality, and any amount remaining after the account is paid in full shall be refunded to the consumer.
  - if unclaimed after termination of the service, be dealt with in accordance with Section 611 of the Municipal Government Act.
- 5.04 As a condition of supplying water to any premises the owner of the premises shall be responsible for the construction of the water service line. If a person other than the owner applies for a water service that requires the construction of a water service line, the premises owner must apply for, and be responsible for, the construction of the water service line.
- 5.05 All water service lines shall be constructed of materials and to the specifications approved in the Municipality's "Water and Sewer Service Policy". The Municipality may refuse to connect the municipal water system to any water service line that does not meet the Municipality's standards. A plumbing permit shall be obtained prior to the construction of a water service line.
- 5.06 The Municipality shall supply and install water meters and remote reading devices on all serviced premises upon approval of the written application and receipt of all required deposits, fees and charges. The Municipality may require the installation of a meter in a meter pit on the water main right-of-way, or on private property; the meter pit will form part of the water service line construction. The water meter and/or meter pit shall remain the property of the Municipality.
- 5.07 The consumer shall be responsible for, and shall pay to the Municipality, the full costs to repair any damage to a water meter or remote reading device that results from other than normal wear and tear. The consumer shall pay no less than the minimum charge specified in Schedule "A" for the repair of such damage to a water meter or remote reading device. (Frost damage is not considered normal wear and tear.)
- 5.08 No connection may be made to the water service line between the property line and the meter.
- 5.09 An authorized employee shall have the right of access at any reasonable time, and upon reasonable notice, to every serviced premises for the purpose of inspecting, maintaining and/or repairing the water system; this shall include, but not be limited to:
- installing, servicing or sealing a water meter.
  - shutting off and sealing a water line for non-payment.
- 5.10 Should any person claim a meter is not working properly and is over reading, the person may request that the meter be tested. Upon receipt of the request and a water meter test deposit, in the amount specified in Schedule "A", an authorized employee will remove the meter and give it a proper bench test. If the meter is found to over read by more than three percent (3%), the person shall be refunded their deposit; however, should the meter be within this standard it shall be considered adequate, and the person shall forfeit the deposit to the Municipality to cover the costs of removal and testing of the meter.

- 5.11 No person shall:
  - 5.11.1 interfere with, cut or remove the wire seal on a meter, valve or outside readout, disconnect a meter or do anything which may prevent or impede the flow of water through a meter, or which may affect the proper operation of the water meter,
  - 5.11.2 waste, dispose of, give away, permit to be taken or sell water from the municipal water system without the Municipality's permission, or
  - 5.11.3 make any connection to the municipal water system unless they have written authorization from the Municipality to do so.
- 5.12 The Municipality reserves the right to shut off the supply of water to any consumer for the following reasons: for repairs and maintenance to the water and/or sewer system; for want of water supply; for violation of any provisions of this Bylaw; for non-payment of rates, fees or charges; or for assignment, insolvency or bankruptcy of the consumer.
- 5.13 To maintain adequate water supply the Council or Municipal Manager may impose restrictions on the use of water. No consumer shall contravene a municipal water restriction unless a permit has first been obtained from the municipality. The Council or Municipal Manager, at their discretion, may upon written request issue a written permit(s) to a consumer(s) for water usage that exceeds a municipal water restriction; such permit shall be conspicuously exhibited upon the premises for which it was issued.
- 5.14 No wells or other sources of water supply shall be used in an area serviced by the municipal water system unless authorized by the Municipality.
- 5.15 Except as hereinafter provided, no persons other than authorized employees of the Municipality shall open, close, operate or interfere with any valve, hydrant, fire plug or water service valve.
- 5.16 The Chief of the Municipality's Fire Department, his assistants and officers, and members of that department, are authorized to use the hydrants or plugs for the purpose of extinguishing fires or for making trial testing of hose pipe, or for fire protection, but all such usage shall be under the direction and supervision of the said Chief or his duly authorized assistant, and in no event shall any inexperienced or incompetent persons be permitted to manipulate or control in any way any hydrant or plug.
- 5.17 No person shall in any manner obstruct the free access to any hydrant, valve or stop cock. No vehicle, building, rubbish or any other matter which would cause such obstruction of the street in which the hydrant is located, may be within six (6) meters of the hydrant in the direction parallel with the said property line.
- 5.18 The Municipality shall assume the full responsibility and costs for the maintenance and repair of water service lines from the property line to the water main. The premises owner shall be responsible for the maintenance of the water service line(s) on his property. Any costs incurred by the Municipality in maintaining water service lines on behalf of the owner shall be recoverable from the owner in the same manner, and subject to the same penalties, as taxes levied by the Municipality.

**SECTION 6 – SEWER SERVICE**  
**Use and Maintenance**

6.01 No person shall:

6.01.1 throw, deposit or leave in/or upon any sewer or any trap, basin, grading, manhole, or other appurtenance of any sewer, any butcher's offal, garbage, litter, manure, rubbish, sweepings, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, paper, rags, cinders, ashes, or refuse matter of any kind, except feces, urine, the necessary closet paper, wastewater and slops properly discharged through a house sewer into the municipal sewer system,

6.01.2 permit, or cause, to be discharged into any sewer system

6.01.2.1 any chemical refuse, or trade waste, waste steam, condensing water, cooling water, flammable material or explosive material,

6.01.2.2 the contents of any privy, vault, manure pit or cesspool, or

6.01.2.3 any liquid or liquids (including but not limited to storm water, roof drainage, weeping tile drainage, cistern or tank overflow, or any liquid of a higher temperature than 77 degrees Celsius ) or other matter or substance which would prejudicially affect the sewer system, or the disposal of the sewage or the free flow of the sewage,

6.01.3 turn, lift, remove, raise or otherwise tamper with the cover of any manhole, ventilator or other appurtenance of any sewer, except authorized employees of the Municipality.

6.01.4 interfere with the free discharge of any municipal sewer, or part thereof, or do any act or thing which may impede or obstruct the flow or clog up any municipal sewer or appurtenance thereof, or

6.01.5 make any connection to, or cut, or otherwise tamper in any way with the Municipality's sewer system unless they have written authorization from the Municipality to do so.

6.02 An authorized employee shall have the right of access at any reasonable time, and upon reasonable notice, to every serviced premises, and facilities must be given to him, to ascertain whether or not any improper material or liquid is being discharged into the sewers, and an authorized employee shall be authorized to stop or prevent the discharging into the sewer system of any substances, materials or liquids which are liable to cause injury to or to obstruct the flow of sewage through the municipal sewer system.

6.03 Grease traps of sufficient size and of a design approved by the Municipality shall be placed on all waste pipes from all hotels, restaurants, laundries, and such other places as the Council may direct.

**Sewer Connections**

6.04 Upon receipt of an application in writing and the payment of a sewer service fee, as specified in Schedule "A" to this bylaw, by the owner, occupant, or tenant of any premises within the Municipality, the Municipality shall supply those premises with sewer service PROVIDED THAT:

- the premises to be serviced abuts a municipal sewer main,
  - the premises to be serviced conforms to the Municipality's bylaws, and
  - the supply of sewer services shall be subject to the terms and conditions of this Bylaw.
- 6.05 Where an owner, occupant, or tenant of any premises requests sewer service for a premises not abutting a municipal sewer main the Council shall determine, by resolution or bylaw, the terms and conditions upon which the applicant may be allowed to connect to the sewer system.
- 6.06 As a condition of supplying sewer to any premises the owner of the premises shall be responsible for the construction of the sewer service line. If a person other than the owner applies for sewer service that requires the construction of a sewer service line, the premises owner must apply for, and be responsible for, the construction of the sewer service line.
- 6.07 All sewer service lines shall be constructed of materials and to the specifications approved in the Municipality's "Water and Sewer Service Policy". The Municipality may refuse to connect the municipal sewer system any sewer service line that does not meet the Municipality's standards. A plumbing permit shall be obtained prior to the construction of a sewer service line.
- 6.08 Should any person claim that any sewer service line located on municipal property is plugging or is plugged because it is not installed according to good practice the said person shall deposit with the Municipality the "Sewer Service Line Inspection Deposit" specified in Schedule "A". The Municipality will then be authorized to open the said sewer service line by any method it considers necessary. If it is found that the line was not properly installed the said deposit will be refunded. Should the said service line be found to be properly installed, the person shall forfeit the said deposit and shall be liable to pay all costs incurred by the Municipality in opening the said sewer service line. The said costs so incurred shall be subject to the same penalties and are collectible by the same procedures as taxes levied by the Municipality.
- 6.09 The Municipality shall assume the full responsibility and costs for the maintenance and repair of sewer service lines from the property line to the sewer main. The premises owner shall be responsible for the maintenance of sewer service lines on his property. Any costs incurred by the Municipality in maintaining sewer service lines on behalf of the owner shall be recoverable from the owner in the same manner, and subject to the same penalties, as taxes levied by the Municipality.
- 6.10 The Municipality reserves the right to disconnect any sewer service line for the following reasons: for repairs and maintenance; for violation of any provisions of this Bylaw; for non-payment of rates, fees or charges; and for assignment, insolvency or bankruptcy of the consumer.
- 6.11 All sewer connections intended for mobile home use are required to provide an outside clean out as specified by the Municipality.

**SECTION 7 - WATER AND SEWER RATES**

- 7.01 The Municipality shall charge the consumers the water and sewer rates as specified in Schedule "A" to this bylaw. The water and sewer rates in Schedule "A" shall come into effect **upon final reading of this Bylaw or on March 1, 2004**, whichever date is later.
- 7.02 An authorized employee of the Municipality shall take a reading of the water meter installed in or upon each serviced premises, every two (2) months, to determine the volume of water used at each serviced premises during each two (2) month period.
- 7.03 Where the Municipality is unable to take a reading of a meter installed in or upon any serviced premises, for any reason whatsoever, then for the purposes of levying the water service rate under this Bylaw, the Municipality shall estimate the volume of water used at the serviced premises and shall, thereafter, make any adjustments to future water service charges when a reading of the water meter can be made by the Municipality.

**SECTION 8 – GENERAL**

- 8.01 A utility bill showing all water and sewer charges to the consumer shall be mailed to the consumer bi-monthly. The sewer charge(s) may be combined on the same bill as the water rate charge(s) for the Municipality.
- 8.02 No person shall obstruct or prevent an authorized employee from carrying out any or all provisions of this Bylaw.

**SECTION 9 - PENALTIES**

- 9.01 Any utility bill, or portion thereof, that remains unpaid after the last day of the month in which the said bill was issued by the Municipality shall have added a penalty charge equal to ten (10) percent of the unpaid amount.
- 9.02 Should any utility bill, or portion thereof, remain unpaid for more than 45 days following the date of the bill, the Municipality will disconnect the services after giving reasonable notice of its intention to do so.
- 9.03 Where it has become necessary to disconnect a water and/or sewer service for nonpayment of a utility bill, the service(s) shall not be reconnected until all the outstanding water and/or sewer charges (including the penalties thereon), the reconnection fee as specified in Schedule "A" and, in the case of water services, the water service deposit are paid in full.
- 9.04 If a consumer is in default of payment of any water and/or sewer charges the Municipality may enforce payment by action in any court of competent jurisdiction, or alternatively by distress upon seizure of goods and chattels of the consumer, or alternately by making the water and sewer charges in default a charge against or lien upon the properties served by these utilities, and in the event the charge or lien is so made it shall be subject to the same penalties and shall be collectible by the same procedures as taxes levied by the Municipality.

9.05 Every person who contravenes any provisions of this Bylaw, as enumerated in Schedule "B" herein, is guilty of an offence and shall be liable on summary conviction to the penalty specified therein for such offence.

This bylaw shall come into effect upon the date of final reading and shall repeal Bylaw No. 1264.

READ A FIRST TIME IN COUNCIL THIS 8 DAY OF JANUARY, 2004.

READ A SECOND TIME IN COUNCIL THIS 8 DAY OF JANUARY, 2004.

READ A THIRD AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS 8 DAY OF JANUARY, 2004

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REEVE

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MUNICIPAL MANAGER

**SCHEDULE 'A'**

**Water and Sewer Deposits, Charges, Rates and Fees**

|                          |              |  |
|--------------------------|--------------|--|
| <b>Sewer Service Fee</b> | - Nil        | If the parcel is, or has been subject to a local improvement tax for the sewer system, or if an off-site levy has been paid toward the sewer system.               |
|                          | - \$2,000.00 | If the parcel is not, and has not been, subject to a local improvement tax for the sewer system, or if an off-site levy has not been paid toward the sewer system. |

NOTE: In addition to the service fee the owner is responsible for the cost of installing a sewer service line to the parcel if:

- one currently does not exist, or
- the existing sewer service line is inadequate or does not meet the required specifications.

**Sewer Service Line Inspection Deposit - \$100.00**

|                          |              |  |
|--------------------------|--------------|--|
| <b>Water Service Fee</b> | - Nil        | If the parcel is, or has been, subject to a local improvement tax for the water system, or if an off-site levy has been paid toward the water system.              |
|                          | - \$3,622.76 | If the parcel is not, and has not been, subject to a local improvement tax for the water system, or if an off-site levy has not been paid toward the water system. |

NOTE: In addition to the service fee the owner is responsible for the cost of installing a water service line to the parcel if:

- one currently does not exist, or
- the existing water service line is inadequate or does not meet the required specifications.

**Water Meter Test Deposit** \$20.00

**Water Meter, Remote Reading Device Minimum Repair Charge** \$40.00

**Water Reconnection Fee** \$25.00

**Water Service Deposit**

- owner of premises \$50.00
- non-owner of premises \$50.00

NOTE: An owner's deposit may be waived by the Municipal Manager or Municipal Administrator if the applicant provides a satisfactory letter of reference from a utility company that the applicant currently has, or recently has had, an account with.

**Water Service Deposit Interest** - 5%

**Ardmore/Fort Kent Water and Sewer System**

**Water & Sewer Rates**

Premises serviced with water and sewer (based on water usage):

|                                 |  |
|---------------------------------|--|
| Up to 20m <sup>3</sup> of water | \$48.60 minimum bi-monthly charge  |
| Thereafter                      | \$ 1.93 per cubic meter<br><small>(\$1.93 = Water @ \$1.45/m<sup>3</sup> + Sewer @ \$0.48/m<sup>3</sup>)</small> |
| Flat Water Rate                 | \$ 5.00 per month/account holder   |

Premises serviced with water only:

|                                 |                                   |
|---------------------------------|-----------------------------------|
| Up to 20m <sup>3</sup> of water | \$39.00 minimum bi-monthly charge |
| Thereafter                      | \$ 1.45 per cubic meter           |
| Flat Water Rate                 | \$ 5.00 per month/account holder  |

Premises serviced with sewer only: \$20.00 bi-monthly

|                 |                                  |
|-----------------|----------------------------------|
| Bulk Water Rate | \$ 3.50 per cubic meter          |
| Bulk Raw Water  | \$ 1.75 per cubic meter          |
| Flat Water Rate | \$ 5.00 per month/account holder |

**Therien Sewer System**

|                   |                    |
|-------------------|--------------------|
| <b>Sewer Rate</b> | \$25.00 bi-monthly |
|-------------------|--------------------|

**Bylaw No. 1304**

**SCHEDULE 'B'**

Schedule of Penalties referred to in Section 9.05 of the "Water and Sewer Bylaw"

|   | <b>Penalty for<br/>First Offence</b> | <b>Penalty for 2<sup>nd</sup> &amp;<br/>Subsequent Offences</b> |
|---|--------------------------------------|---|
| <b>Offence:</b>   |                                      |   |
| <b>Section 5.11.1:</b> Interfering with the proper operation of a water meter.  | \$200.00                             | \$500.00  |
| <b>Section 5.11.2:</b> Unauthorized sale, wasting or disposition of municipal water.                                  | \$200.00                             | \$500.00  |
| <b>Section 5.11.3:</b> Unauthorized connection to the municipal water system.   | \$200.00                             | \$500.00  |
| <b>Section 5.13:</b> Contravening a Municipal water restriction   | \$100.00                             | \$250.00  |
| <b>Section 5.14:</b> Use of an unauthorized water source in a serviced area.  | \$100.00                             | \$250.00  |
| <b>Section 5.15:</b> Unauthorized, operation or interference with a valve, hydrant, fire plug or water service valve. | \$100.00                             | \$200.00  |
| <b>Section 5.17:</b> Obstructing access to a fire hydrant, valve or stop cock.  | \$ 50.00                             | \$ 75.00  |
| <b>Section 6.01.1:</b> Improper deposit in/on sewer appurtenances.  | \$100.00                             | \$250.00  |
| <b>Section 6.01.2.1</b> Improper discharge of a dangerous substance into the municipal sewer system.                  | \$500.00                             | \$1,000.00  |
| <b>Section 6.01.2.2 &amp; 6.01.2.3:</b> Improper discharge of a substance into the municipal sewer system.            | \$250.00                             | \$500.00  |
| <b>Section 6.01.3:</b> Tampering with a sewer appurtenance.   | \$ 50.00                             | \$ 75.00  |
| <b>Section 6.01.4:</b> Impeding or obstructing the flow of a municipal sewer.   | \$100.00                             | \$250.00  |
| <b>Section 6.01.5:</b> Unauthorized connection to, or tampering with, a municipal sewer system.                       | \$200.00                             | \$500.00  |
| <b>Section 8.02:</b> Obstruction of an authorized employee.   | \$250.00                             | \$500.00  |
| All other contraventions of the "Water and Sewer" Bylaw.  | \$100.00                             | \$250.00  |

**Note:** A fine for a second or subsequent offence may only be charged if the person has been found guilty, or has voluntarily paid a penalty, for the same offence within the previous two years.

