

TOWN OF BASHAW

BY-LAW NUMBER 714-2009

BEING A BYLAW OF THE TOWN OF BASHAW IN THE PROVINCE OF ALBERTA REGULATING AND PROVIDING FOR THE TERMS, CONDITIONS, RATES AND CHARGES FOR THE SUPPLY AND USE OF WATER AND WASTE WATER SERVICES PROVIDED BY THE TOWN OF BASHAW.

WHEREAS, the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed or replaced from time to time, provides for the provision of municipal public utility services subject to any terms, costs and charges established by Council;

AND WHEREAS, it is deemed expedient for the Town of Bashaw to establish a Bylaw to regulate and control the use of water, sewers and plumbing within the Town of Bashaw and to set the terms, costs and charges upon which service will be provided;

NOW THEREFORE, the Council of the Town of Bashaw of the Province of Alberta duly and assembled enacts as follows:

PART I

GENERAL

1. **TITLE**

1.1 This Bylaw may be cited as the “Water and Sewer Bylaw”.

2. **DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

- (a) “Account” means an agreement between the Town and an Owner for the supply of Water Services or Sewer Services.
- (b) “Application” means an application by a contractor, developer or Owner to the Town for tying into a Water Main or Sewer Main and for the construction and installation of a Service Connection in conjunction with either a new construction or renovation.
- (c) “Backflow Valve” means a mechanism that prevents backflow to avoid untreated or potentially contaminated water migration into the Water System, Sewer System or Private Drainage System.

- (d) “Bylaw Enforcement Officer” means a Bylaw Enforcement Officer appointed by the Town pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, to enforce the Town bylaws, and includes a member of the Royal Canadian Mounted Police and a Peace Officer authorized under the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time, having jurisdiction in the Town.
- (e) “Council” means the municipal council of the Town.
- (f) “Curb Stop” or “Stop Valve” means a shut-off valve located on the Water Service Connection between the Water Main and the building or premise receiving Water Service, for the purpose of isolating the Water Service from a parcel of land.
- (g) “Hazardous Waste” shall have the meaning set out in the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, as amended or repealed and replaced from time to time, and any regulations thereunder.
- (h) “Highway” shall have the meaning set out in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time, and any regulations thereunder.
- (i) “Idle Service” refers to a service that is suspended but still operative due to the occupant being away for any period of time or other circumstance.
- (j) “Manager” means the appointed chief administrative officer of the Town.
- (k) “Multi-Family” or “Multiple Residential Use” means any collection greater than two habitable rooms designed or intended for use by more than one individual or family as an independent and separate housekeeping establishment containing separate kitchen and/or sanitary facilities for each individual or family.
- (l) “Owner” means the person listed as the registered owner of a parcel of land as shown on Land Title for that parcel registered within Alberta North Registration District.
- (m) “Plumbing Inspector” means a person authorized by the Town to inspect or, issue approvals/permits under the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time, and/or take samples where required and to otherwise enforce this Bylaw.
- (n) “Private Drainage System” means a privately owned assembly of pipes, fittings, fixtures, traps and appurtenances, including a Service Connection, attached to a premise or building that is used to convey Wastewater into the Sewer System.
- (o) “Public Health Inspector” means the medical health officer of the regional health authority or his or her designated.
- (p) “Remote Reading Device” means equipment installed to remotely read the Water Meter without obtaining access to the premise.

- (q) “Sewer Main” means those pipes installed for the disposal of Storm Sewer and Wastewater within the Town to which a Service Connection may be connected.
- (r) “Sewer Service” means the utility provided by the Town to remove Wastewater from a Private Drainage System through a Service Connection connected to a Sewer Main.
- (s) “Sewer System” means the works and property owned and operated by the Town for the collection, storage, transportation and pumping of Storm Water and Wastewater from Owners, and includes the Sewer Main and Service Connections.
- (t) “Service Connection” means the points where a Water Service or Sewer Service are connected to the Water System or Sewer System, respectively.
- (u) "Single-Family Residence" means a single detached residential building where no commercial activity or business is carried on
- (v) “Storm Water” means surface water run-off which is the result of natural precipitation.
- (w) “Town” means the Town of Bashaw, in the Province of Alberta.
- (x) “Town Foreman” means the appointed foreman or designate for the Town.
- (y) "Two-Family Residence" means a single detached residential building containing two separate and distinct dwelling units, one above the other or the one immediately adjacent to the other, but each having a separate entrance but does not include any dwelling unit forming part of a multiple unit residential development or which forms part of a building in which any commercial activity or business is carried on
- (z) “Utility” means the Water Service or the Sewer Service provided by the Town as the context requires.
- (aa) “Violation Tag” means a tag or similar document issued by the Town pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- (bb) “Violation Ticket” means a Ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, and the regulations thereunder.
- (cc) “Wastewater” means a liquid waste discharged by domestic residences, commercial properties and industries.
- (dd) “Water Main” means those pipes installed for the conveyance of water within the Town which a Service Connection may be connected.
- (ee) “Water Meter” means the approved device supplied and used by the Town to calculate and register the amount of water consumed relative to the land and

building which the meter is designated to monitor.

- (ff) “Water Service” means the utility provided by the Town to supply potable water to domestic residences, commercial operation, industry and other facilities through Service Connections connected to a Water Main.
- (gg) “Water System” means the works and property owned and operated by the Town for the provision of water to Owners, and includes the Water Main and Service Connection.
- (hh) “Winter rates” means the actions of public works leaving a bleeder line or water trickle at specific dwellings during freezing periods of the year; usually December to April.

3. GENERAL TERMS OF UTILITY SERVICE

The use and control of the public Water System and Sewer System connected therewith shall be in accordance with this Bylaw.

The Water System and Sewer System, belonging to the Town now laid down, constructed or built, hereafter laid down or constructed or built shall be under the direct control and management of the Town Foreman, subject to the authority of the Town.

The Town having constructed, operated and maintained a Water System and Sewer System as a public utility shall continue, and so far as there is sufficient capacity, to supply Water Service and Sewer Service, upon such terms, costs or charges as established by Council, to any Owner within the Town situated along a Water Main and Sewer Main. Notwithstanding, nothing in this Bylaw prevents the Town from instituting water rationing when determined to be necessary by the Town.

It shall be a condition of water service that all Single Family, Two Family, Multi-Family, and Commercial premises shall be connected to a Water Meter.

Unless a two family or multi family residence is provided with individual meters which can be turned on or off without interfering with the water supply to other consumers there will be no adjustments to utility bills. If a dwelling unit contains only one meter for multi residences then the billing will be based on consumption for all units whether occupied or not.

An Owner is responsible for providing such facilities as considered necessary in order to have a continuous and uninterrupted supply of water and discharge of sewage for the Owner’s or building’s specific needs provided that such facilities and Service Connections are approved in accordance with this Bylaw and do not interfere with the operation of the Town’s Water System or Sewer System.

All buildings which are to be connected to the Water Main or Sewer Main shall have the necessary apparatuses or appliances installed which are required to ensure the proper sanitary condition of the buildings and premises.

4. RIGHT OF ENTRY

For the purposes of this Bylaw a designated officer shall include the Manager, Town Foreman, Plumbing Inspection, Bylaw Enforcement Officer or any other individual designated by Council resolution.

Designated Officers of the Town shall have the right to enter and have free access to all parts of the Owner's property, buildings or other premises in which Water Service or Sewer Service is provided, or intended to be provided, at any reasonable hour of the day and upon reasonable notice or Court Order for the purpose of:

- (a) Installing, maintaining, monitoring, inspecting, testing, repair, replacing or removing the Town facilities or equipment;
- (b) Performing necessary maintenance to the Town's facilities or equipment;
- (c) Reading of water meters;
- (d) Investigating a consumer complaint or query; or
- (e) Conducting an inspection of a concern with, including, but not limited to, unauthorized use of water, improper disposal of waste water or other matter into the Sewer System or the tampering with the Water System (including meter service) or the Sewer System.

Before entering an owner's premises, a designated officer will make reasonable efforts to notify the Owner, or other person responsible who is at the premises and appears to have sufficient authority to permit entry except:

- (a) In case of emergency;
- (b) Where entry is permitted by order of a court or administrative tribunal;
- (c) When otherwise legally empowered to enter; or
- (d) Where the purpose of entry is in accordance with Sections 4.2(d) or (e) of this Bylaw.

No person shall prevent, impede or hinder the Town's right to enter into an Owner or Customer's premise pursuant to sections 4.2 and 4.3.

5. LIABILITY OF TOWN

The Town shall not be liable for damages, including building losses:

- (a) Caused by a break, blockage or stoppage within the Town's Water System or Sewer System;
- (b) Caused by the interference or cessation of Water Service or Sewer Service necessary in connection with repair or proper maintenance of the Town's Water System or Sewer System;
- (c) Caused directly or indirectly as a result of approving any Service Connection; or
- (d) Generally for any incident due to the operation or repair of the Town's Water System or Sewer System, unless such action has been shown to be directly due to an act of bad faith, gross negligence or willful misconduct of the Town or its employees, agents or other representatives.

PART II

WATER SERVICES

6. APPLICATION FOR A WATER SERVICE CONNECTION

Where a Service Connection for Water Service is desired by an Owner or the Owner's authorized agent an Application for Water Service shall be made at the Town Office accompanied by the applicable fee as set by Schedule "A", attached to and forming part of this Bylaw.

The Owner of the property where the water service application is being made for SHALL sign a "Utilities Rental Agreement" as set out in Schedule "C" of this bylaw.

A Service Connection for Water Service shall only service one parcel unless an agreement to the contrary is reached between the Owner and the Town.

7. CONNECTION TO WATER MAIN

Water Service shall be provided only to properties that abut directly on a Highway or are located within a maximum of fifty (50) feet where a Water Main is in existence.

All water pipes laid in private property between the property line and Water Meter shall be of the same material as service pipe in the street between the Water Main and the property line.

The Owner or person responsible for the development of the lands shall be responsible for the construction of all Service Connections, which shall be constructed of approved materials and in accordance with the *Public Health Act*, R.S.A. 2000, c. P-37, as amended or repealed and

replaced from time to time, and the *Safety Code Act*, R.S.A. 2000, c.S-1, as amended or repealed and replaced from time to time, and the regulations thereunder and all other standards adopted by the Town as set from time to time, and:

- (a) Shall ensure that all Service Connections for Water Service receive approval from the Town prior to construction;
- (b) Shall not backfill the excavation until after the work has been inspected by a Plumbing inspector; and
- (c) Shall receive all applicable permits and approvals for plumbing and water piping as required by law.

No person other than an authorized employee of the Town shall turn on Water Service to any premises. Service shall not be turned on until a permit has been received from the Plumbing Inspector stating that the piping and plumbing is in accordance with the *Safety Code Act*, R.S.A. 2000, c.S-1, as amended or repealed and replaced from time to time, and any regulations thereunder, and all other standards adopted by the Town from time to time.

Unless otherwise authorized by this Bylaw, no person other than an authorized Town employee shall by any means whatsoever instruct or impede direct free access to Water Mains and apparatuses.

Costs of water service pipes and the installation and maintenance of same from the property line to the Water Meter shall be the responsibility of the Owner. Expenses, incidentals to the tapping of the Town's Water Main, and laying of the Water Main from the property line shall be the responsibility of the Town with the exception of existing property being subdivided. Subdividers shall be responsible for costs incurred for new service

The Town is the owner of the Water Mains and that portion of all service connections between the Water Main and boundary of the road right-of-way or easement. The remainder of the service connection is owned by the registered Owner of the lands under which the service connections is located. The Owner shall be responsible for all maintenance and repair costs associated with that portion of the service connection located on the Owner's property.

All Owners shall keep and maintain the Service Connection for Water Service in proper working condition and free from leaks. Each Service Connection must be provided with a stop valve of an approved pattern by the Town, placed on both sides of the Water Meter for the use of the Owner in case of leaking fixtures, or when the premises are vacated.

Each Service Connection shall be supplied with an accessible Curb Stop or Stop Valve, placed at the property line between the Water Main and the Water Meter. Such curb stop valves shall be set at one inch below finished landscaped surface and kept clear of any obstructions so that they are readily accessible to shut off water when an occasion arises.

No person shall interfere with, damage or make inaccessible a Curb Stop or Stop Valve due to

construction of sidewalks, driveways or in any other way. If any repairs or construction changes are required due to inaccessibility or damage to a Curb Stop or Stop Valve, costs of such repairs or construction shall be billed to the Owner or person responsible at the correct rates for repairs and current labour rates.

Whenever an Owner no longer requires a Service Connection for Water Service, the Owner or the Owner's authorized agent shall first obtain approval from the Town Foreman for the method and location of abandonment. The Owner shall be responsible for the disconnection of the Water Main and shall assume responsibility for all costs associated with the same.

The Town Foreman shall have the discretion to discontinue Water Service to a property where:

- (a) the property is or appears to be abandoned;
- (b) there is a noncompliance of this Bylaw on the property;
- (c) there is an emergency situation; or
- (d) it is necessary to protect the integrity of the Town's Water System.

8. WATER METERS AND METER READINGS

All water supplied by the Town through each Service Connection shall be measured by one Water Meter unless the Owner has entered into a written agreement with the Town specifying otherwise.

All Water Meters and Remote Reading Devices shall be supplied, owned and maintained by the Town except as may be authorized by the Town Manager.

The size of the Water Meter to be installed on a Service Connection shall be determined by the Town Foreman. A Remote Reading Device shall be placed on the outside or within a building, in a convenient and accessible location.

The Owner of a building which a Water Meter or Remote Reading Device is not already installed shall make provisions for a Water Meter and Remote Reading Device to be installed upon request of the Town and all costs shall be borne by the Owner. Upon application for a Service Connection, a non-refundable payment for the use of the Water Meter plus the installation costs shall be paid to the Town. Water Meters and Remote Reading Device to service new construction shall be paid for at the time of issuance of any development permit. The Town shall require proof of a valid plumbing permit prior to installing any Water Meter.

Where a parcel of land to be serviced:

- (a) Has one registered Owner and there are several buildings;
- (b) Is a mobile home park;

- (c) Is a condominium development; or
- (d) Is a seasonal park service with no building;

One Water Meter and Remote Reading Device shall be constructed and maintained at the expense of the Owner as directed by the Town Foreman. The existing mobile home park, located on Plan 3406, Block J, Lot 1; Plan 8923336, Block J, Lot 3A; Cof T 832069254; and a portion of SW 4-42-21-W4 shall be subject to Section 8 effective January 1, 2010.

An Owner may, for his or her own benefit, at his or her own cost, install a subsidiary meter between the meter supplied by the Town under Section 8.5 and the point of use of the water supplied, provided that the Town shall, under no circumstances, be required to maintain or read a subsidiary meter installed under this Section. All subsidiary meters shall remain the property of the Owner. Where, in the opinion of the Town Foreman, a subsidiary meter has been installed in a manner so as to interfere with the operation of or access to the Water Meter installed under Section 8.5 the Town Foreman may direct, in writing, that the Owner move or relocate the subsidiary meter within a time frame selected by the Town Foreman.

An Owner shall provide adequate protection for the Water Meter and Remote Reading Device supplied by the Town against freezing, heat or any internal or external damage.

No person shall break or tamper with any seals, Water Meters or Remote Reading Devices

No person shall construct or impede direct and convenient access to a Water Meter or Remote Reading Device for the purpose of inspection, removal, repair, replacement or reading.

If a meter reading is disputed by an Owner or the Owner's authorized agent, the Owner or the Owner's authorized agent may, by written notice, require the Town to test the accuracy of the Water Meter, and:

- (a) Where the Water Meter is found to be accurate within 97 to 102% of the measured volume passing through the Water Meter, the Owner shall be responsible for the payment of the fees and charges to the test as outlined in Schedule "A", attached to and forming part of this Bylaw; or
- (b) Where the Water Meter is found not to be accurate within those limits;
 - i. It shall be repaired or replaced and the cost, along with the cost of testing calibration, shall be borne by the Town; and
 - ii. The Owner's Account, based on the readings of the Water Meter during the period of four months immediately preceding the date of the test or calibration, shall be corrected to reflect the error in the Water Meter and the Owner shall pay, or shall be refunded, as the case may be, the amounts so determined, which payment or refund

shall be accepted by both the Town and the Owner as full settlement of any claim that may arise out of the errors in the Water Meter.

In the event that the Town is required to replace a Water Meter or Remote Reading Device due to tampering with or abuse of the Water Meter or Remote Reading Device by the Owner or any damage to the Water Meter or Remote Reading Device, as identified in section 8 above, due to the negligence of the Owner or other person, then the Owner or person responsible shall be responsible for the Water Meter and Remote Reading Device replacement costs. Damage to a Water Meter or Remote Reading Device shall be repaired by the Town employees and billed to the Owner or person reasonable at the correct rates for repairs and current labour rates.

9. (a) TURNING ON WATER SERVICE

After any construction, reconstruction, alternation or change, or the completion of any work requiring a permit, Water Service shall not be turned on to any building or premises until after all of the work has been done to the satisfaction of the Plumbing Inspector.

When water is being turned on at any building, there shall be an occupant of the building present.

The Owner shall be charged a fee as set out in Schedule "A", attached to and forming part of this Bylaw, whenever Water Services is requested to be turned on or off.

9. (b) APPLICATION FOR IDLE SERVICE

When the owner of a property wishes to have a utility service temporarily suspended, because use of the utility is not being made, he shall contact the Town upon notification of temporary discontinuance of the water service. The fee as set out in Schedule "A" of Bylaw 714-2008 shall be applied to the utility account. Water services cannot be assumed "Off" Water must be shut off at the Curb Stop valve.

When reactivation of a discontinued utility service is required, the owner of a property shall notify the Town and upon written or verbal verification of reactivation of the water service, the Town shall activate the utility account and apply fees as set out in Schedule "A"

An owner who will be away for any length of time and does not or cannot have water services shut off at the Curb Stop valve is not eligible for idle service fees and will be billed according to normal billing procedures and charges.

10. DISPOSAL AND USE OF WATER

1. No Owner or Occupant of a parcel shall allow Potable Water to run off the parcel such that there is:

(a) a stream of water running into a street or swale for a distance of 30 metres or more from the edge of the parcel;

(b) a stream of water running into a street or swale and directly into a catch basin; or

(c) a stream or spray of water running into or falling onto a street

2. Except as otherwise authorized under the Bylaw, no person shall obtain water from the Water System or allow to be obtained water to be used:

(a) In an illegal manner;

(b) In a manner that will impede its use by others;

(c) Unless an Account has been opened; and

(d) Unless the water first passes through a Water Meter.

If the Town finds an unauthorized use of water, including the tampering with a Water Meter, or other part of the Water System, or determines that seals on valves, Water Meters or other apparatus have been broken and not reported, the Town may take corrective action to remedy the unauthorized use and repair its Water Meters, appliances or other facilities to ensure the safety of the general public.

Upon finding an unauthorized use of water, tampering with the water system or a broken meter or other apparatus, the Town may disconnect the Service Connection immediately without notice, and may charge the Owner or other person responsible, all costs incurred in correcting the condition, in addition to any other rights or remedies which may be available to the Town.

Any person who uses water in contravention of this section may be responsible for the following charges:

(a) All charges for water consumed or obtained in accordance with the water rates as set by this Bylaw, as estimated by the Town; and

(b) All charges to cover the Town's costs associated with the unauthorized use of water.

11. FROZEN LINES

The Town shall assume full responsibility and costs for any Service Connection which may be frozen between the property line and the Water Main.

Notwithstanding section 11.1, the cost of thawing a frozen Service Connection shall be borne by the Owner if:

- (a) In determination of the Town Foreman, the location of the frozen section of the Service Connection is between the property line and the Water Meter; or
- (b) In the determination of the Town Foreman, the location of the frozen section of the Service Connection is between the Water Main and the property line and the freezing has occurred as a result of the tampering by the Owner or the Owner's authorized agent.

12. AUTHORITY TO RESTRICT OR SHUT OFF WATER SERVICE

12.1 Water Restrictions

Restrictions imposed by Town Council or the Chief Administrative Officer or the Town Foreman: To maintain an adequate water supply within the Town of Bashaw The Town Council or the Chief Administrative Officer or the Town Foreman, as the case may be, may impose restrictions on the use of water for domestic lawns, gardens, commercial and industrial purposes. Such restrictions shall state the day or days and periods of time within the day or days that water may be consumed.

The Town may, at such times and for such length of time as is considered necessary or advisable, provide for a water rationing or conservation programs which restricts water usage to any or all parts of the Town.

All water rationing or conservation programs shall be duly advertised by use of local media, printed or otherwise, prior to taking effect.

No person shall contravene the terms or conditions of any water rationing or conservation program after it has been advertised, without first obtaining the Town Foreman's authorization.

12.2 Shut off Water Service

The Town reserves the right to shut off Water Service without notice to the Owner for any reason and it is hereby declared that no person shall have any claim for compensation or damage as a result of the Town shutting off the water or from the failure of the water supply from any cause whatsoever.

12.2.1 The Town Foreman may without notice shut off the Water Service to any part of the Town should it be decided an emergency situation makes such action necessary.

12.2.2 The Town Foreman may in a non-emergency situation shut off Water Service to any part of the Town provided reasonable notice of such intended shut off is given to all effected Owners. The Town Foreman shall have the sole discretion to determine what serves as notice

in the circumstances.

12.2.3 The Town Foreman may restrict and regulate the hours during which Water Service may be used for any purpose other than for firefighting.

13. HYDRANTS

Except as hereinafter provided, no person other than an authorized employee of the Town, shall open, close, operate or interfere with any hydrant, or draw water therefrom.

The Town's Fire Chief, his designate or any member of the Fire Department are authorized to use the hydrants for the purpose of distinguishing fires, or for making trial of hose pipes, or for fire protection. Furthermore, all such uses shall be under the direction and supervision of the Fire Chief or his designate and in no event shall any inexperienced or incompetent person be permitted to manipulate or control in any way any hydrant.

Unless authorized by the Town Foreman, no person shall operate or interfere with any hydrant owned by the Town.

No person shall use water supplied through a hydrant or withdraw water from a hydrant except as necessary for firefighting or testing, unless prior authorization has been obtained from the Town Foreman. In instances where authorization is granted to a person for use of a hydrant, that person shall be responsible for any damages incurred to the hydrant and to the Town's Water System while the hydrant is in use. Any person authorized to use water from a hydrant shall be responsible for payment of any consumption rate or rental fee as required by Schedule "A" attached to and forming part of this Bylaw.

Where there is an unmetered Water Service to a building sprinkler, standpipe or other fire protection system, no person shall use such Water Service for any purpose except as necessary for firefighting or testing.

All building sprinkler, standpipe or other fire protection system shall be installed in accordance with the *Alberta Building Code* and maintained in accordance with the *Alberta Fire Code*.

Services constructed pursuant to this part shall not be tapped into the Water System, whether on the Town's portion of the service or the private property portion of the services, without authorization from the Town Foreman.

No person shall do anything to obstruct access to or otherwise interfere with a hydrant or any other fire protection system.

Any person who owns property on which a hydrant is located or property which is adjacent to property which a hydrant is located shall maintain a clearance of 1.5 meters around the hydrant and shall not permit anything to be constructed, erected, placed or planted within that

clearance.

14. ALTERNATE SOURCES OF WATER

No person shall use any source of water to supply water to any residential, commercial, industrial or institutional premises through a plumbing system, other than the Water System unless a permit is first obtained from the appropriate regulatory authorities and then a permit is obtained from the Town of Bashaw for that purpose; or where there is an existing alternate source of water, in use prior to bylaw adoption, its use shall be allowed until the alternate source is no longer viable. It shall not be replaced with a new alternate source of water unless a permit is first obtained from the appropriate regulatory authorities and then a permit is obtained from the Town of Bashaw.

The Town Foreman and or Manager may authorize the use of an alternate source of water subject to such terms and conditions as he/she deems is necessary, and notwithstanding the generality of the foregoing he/she may set a limit on the period of time for which an alternate supply of water may be used.

All persons having charge of or being Owners or occupiers of premises containing a well or other source of water supply other than the Town's Water Main may apply to the Town for a permit to use the water in such well or other source of water supply. An application for such a permit must be accompanied by the applicable application fee as set out in Schedule "A", attached and forming part of this Bylaw.

Before a permit is granted, any well or other source of water supply must be:

- (a) approved by the Public Health Inspector and the Plumbing Inspector;
- (b) analyzed for water quality to the satisfaction of the Public Health Inspector, who shall certify that such analysis has shown that the water is suitable for domestic consumption; and
- (c) installed with an approved Backflow Valve to ensure that the private water supply does not enter the Town's Water Mains.

No person who has been granted permission by the Town to use an alternate source of water shall allow that alternate source of water, or any pipes or devices connected to such alternate water source, to be connected to the Water System.

Water Services shall not be responsible for the quality of water obtained from any alternate source of water.

Unless authorized by the Town in writing, no person shall provide or supply water from one premises, by pipe or hose or other means either with or without charge, to any other premises which could be supplied with water through its own Water Service Connection.

No such permit shall be granted in connection with any premises abutting on a Highway upon which there is a Water Main unless supply obtainable for such Water Main is inadequate.

Any such permit may be withdrawn by resolution of Council at any time without notice and no person shall use a well or other source of water supply after a permit for the use of the same has been withdrawn.

PART III

SEWER SERVICES

15. APPLICATION FOR SEWER CONNECTION

Where a Service Connection for Sewer Service is desired by an Owner or the Owner's authorized agent, an Application for Sewer Service shall be made at the Town Office accompanied by the applicable fee as set by Schedule "A", attached to and forming part of this Bylaw.

Service Connection for Sewer Service shall only service one parcel unless an agreement to the contrary is reached between the Owner and the Town.

16. CONNECTION TO SEWER MAIN

Sewer Service shall be constructed only to properties that abut directly a Highway or are located within a maximum of fifty (50) feet where a Sewer Main is in existence.

All sewer pipes laid in private property between the property line and any premise shall be PVC approved for waste water and backfilled to manufacturers specifications

The Owner or person responsible for the development of the lands shall be responsible for the construction of all Private Drainage Systems and Service Connections, which shall be constructed of approved materials and in accordance with the *Public Health Act*, R.S.A. 2000, c. P-37, as amended or repealed and replaced from time to time, and the *Safety Code Act*, R.S.A. 2000, c.S-1, as amended or repealed and replaced from time to time, or the regulations thereunder and all of their standards adopted by the Town as set from time to time, and:

- (a) Shall ensure that all Service Connections for Sewer Service receive approval from the Town prior to construction;
- (b) Shall not backfill the excavation until after work has been inspected by a Plumbing Inspector; and
- (c) Shall receive all applicable permits for the Private Drainage System as required by law.

No person other than an authorized employee of the Town shall authorize the connection for a Sewer Service to any premises. Service shall not be activated until a permit has been received from the Plumbing Inspector stating that the piping and plumbing is in accordance with the *Safety Code Act*, R.S.A. 2000, c.S-1, as amended or repealed and replaced from time to time, and any regulations thereunder, and all other standards adopted by the Town from time to time.

Unless otherwise authorized by this Bylaw, no person other than an authorized Town employee shall by any means whatsoever instruct or impede direct free access to Sewer Mains and apparatuses.

Costs of sewer service pipes and the installation and maintenance of same from the property line to the premise shall be the responsibility of the Owner. Expenses, incidentals to the tapping of the Town's Sewer Main, and lying of the Sewer Main from the property line shall be the responsibility of the Town with the exception of subdivided properties the costs incurred will be the responsibility of the subdividers.

The Town is the owner of the Sewer Mains and that portion of all service connections between the Sewer Main and boundary of the road right-of-way or easement. The remainder of the service connection is owned by the registered Owner of the lands under which the service connections is located. The Owner shall be responsible for all maintenance and repair costs associated with that portion of the service connection.

Before a Private Drainage System is connected to a Sewer Main, an approved Backflow Valve shall be installed to the Sewer Service Connection to prevent sewage backup into the premise from the Sewer Main.

Whenever an Owner no longer requires a Service Connection for sewer service, the Owner or the Owner's authorized agent shall first obtain approval from the Town Foreman for the method and location of abandonment. The Owner shall be responsible for the disconnection of the Sewer Main and shall assume responsibility for all costs associated with the same.

The Town Foreman shall have the discretion to discontinue access to Sewer Service from a property where:

- (e) the property is or appears to be abandoned;
- (f) there is a noncompliance of this Bylaw on the property;
- (g) there is an emergency situation; or
- (h) it is necessary to protect the integrity of the Town's Sewer System.

Any Owner of property connected or required to be connected to the Sewer System shall, upon request of the Manager or Town Foreman, provide such information as to the type, quantity

and chemical composition of any waste which is or may be handled, stored or used on that property or discharged into the Town Sewer System.

17. USE AND PROTECTION OF SEWER SYSTEM

Except as otherwise provided in this Bylaw, no person shall discharge or cause or permit to be discharged into the Storm Sewer System, Sanitary Sewer System or a natural water course any matter or waste water:

- (a) Which, if discharged, would contravene or result in the contravention of Federal, Provincial and Municipal legislations;
- (b) Which, if discharged, would result in the Sewer System contravening Federal, Provincial or Municipal legislations; or
- (c) The discharge of which may interfere with the proper operation of the Sewer System, may impair or interfere within a treatment process or may become a hazard to persons, property or animals.

No person shall throw, deposit or leave in, or upon any Town sewer or any trap, basin, grading, manhole or other appurtenance of any Town sewer, any garbage, litter, manure, rubbish, sweepings, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, papers, ashes or refuse matter of any kind except feces, urine, the necessary closet paper, waste water, and slops properly discharged through a Private Drainage System into the Sewer System.

No person shall permit to be discharged into the Sewer System, any Hazardous Waste or any other liquids which would prejudicially effect the Sewer System, or disposal of the sewage, or any matter of substance by which the free flow of the sewage may be interfered with, or any chemical refuse, or other trade waste, waste stream, condensing water, heated water or other liquids of a higher temperature of one hundred and seventy (170) degrees Fahrenheit.

No person shall make or cause to be made any connection with any Sewer Main, or Private Drainage System, or appurtenances thereof for the purpose of conveying, or which may convey to the same, any inflammable or explosive material, storm water, roof drainage, cistern or tank overflow, condensing or cooling water.

No person shall discharge the contents of any privy vault, manure pit or cesspool, directly or indirectly to any Storm Sewer or Private Drainage System, excluding sewage from authorized domestic waste sewage haulers or from a certified recreational vehicle at an approved dumping station.

Any person who releases or permits the release of any waste water or matter not allowed in the section, immediately after becoming aware of the release shall notify:

- (a) The Town Foreman and provide the following information:

- (i) Name of the company or person where the release occurred;
 - (ii) Location of the release;
 - (iii) Name or person reporting the release and telephone number where that person can be released;
 - (iv) Time of the release;
 - (v) Type of material released and any non-associated hazards;
 - (vi) Volume of the material released; and
 - (vii) Corrective action being taken, or anticipated to be taken to control the release;
- (b) The Owner of the premises; and
- (c) Any other person who the person reporting knows or ought to know may be directly affected by the release.

No person shall turn, lift, remove, raise or tamper with the cover of any manhole or ventilator or other appurtenances of the Sewer System, except duly authorize employees of the Town.

No person shall cut, break, pierce or cap any Town Sewer Main, Service Connection or appurtenances thereof, or introduce any pipe, tube, trough or conduit into any Sewer Main or Service Connection, unless authorized by the Town and except duly authorized employees of the Town.

No person shall interfere with the free discharge of any Sewer Main or part thereof, or do any act or thing which may impede or obstruct the flow to clog up any Sewer Main or apparatuses.

18. INDUSTRIAL OR TRADE WASTES

No waste or discharge resulting from any trade, industrial or manufacturing process, shall be directly discharged into the Town's Sewer System without prior approval by the Town and any required pretreatment of the waste or discharge as shall be prescribed by the Town. The necessary pretreatment equipment or works shall be completely installed by the Owner, at his expense, prior to the construction of the Service Connection and thereafter shall be continuously maintained and operated.

19. GREASE TRAPS

Grease traps of sufficient size and approved design shall be placed on all fixtures connected to Service Connections from all industrial, commercial or institutional food preparation facilities. Grease, oil and sand interceptors of sufficient size and approved design shall be placed on all fixtures connected to Service Connections from commercial, industrial or institutional premises in which vehicles or equipment are serviced, repaired or washed, including all garages, service stations and vehicle and equipment washing establishments. Interceptors will be required for all other types of businesses if in the opinion of the Town Foreman that they are deemed necessary.

All interceptors shall be of a type and capacity approved by the Town Foreman and shall be located as readily accessible for cleaning and inspection. Such interceptors shall be installed and maintained at the Owner's expense and be continuously maintained and operated.

20. BLOCKAGE OF SEWAGE INFRACTIONS

In case of a blockage, either wholly or in part of the Town's Sewer System by reason of the failure, omission, or negligent to strictly comply with the provisions of this Bylaw, the Owner concerned or person responsible shall be liable for all clogs and the cleaning of such blockage and for any other amount for which the Town may be held liable because of such blockage.

The Town shall not be liable for damages caused by blockages of tree roots infiltrating the sewer lines which originate from trees on Town owned property

21. LOW-FLOW PLUMBING FIXTURES

All applications for Plumbing Permits involving the installation of toilets and/or showerheads in new or retrofit/renovation applications shall demonstrate on plan drawings the use of low-flow fixtures to the satisfaction of the Town.

All toilets installed in new or retrofit/renovation residential, commercial, industrial or institutional applications shall be CSA certified and have a tank capacity of not more than 6 litres (1.3 Imp. gallons) per flush.

All showerheads installed in new or retrofit/renovation residential, commercial, industrial or institutional applications shall be CSA certified and have a flow capacity of not more than 9.5 litres (2.1 Imp. gallons) per minute. Where more than one showerhead is to be installed in a shower enclosure, the cumulative flow capacity of all showerheads shall not exceed 9.5 litres (2.1 Imp. gallons) per minute.

Final Inspection Reports must reflect the use of low-flush toilets and/or showerheads (as applicable), through physical inspection or otherwise, to the satisfaction of the Town.

PART IV

SERVICE CHARGES AND RATES

22. ACCOUNTS

1. An Account must be opened before Water Service or Sewer Services are connected and used.

An Owner or the Owner's authorized agent may set up an Account with the Town in person, by telephone or in writing to which a non-refundable application/reconnection fee as per "Schedule A" will be charged.

Persons who use Water Service or Sewer Services without opening an Account are responsible for the costs of services consumed, as estimated by the Town.

No utility account for any property shall be transferred into the name of a renter, but shall be forwarded in the name of the property owner only. This includes all properties: residential, commercial, industrial, mobile homes, Two Family and Multi-Family buildings. The Owner who opens the Account is responsible for all that is incurred under that Account.

The Town of Bashaw requires that new account requests for utility services, provided by the Municipality, be placed in the name of the owner(s) registered on the property title only.

The Town of Bashaw requires that any changes on existing utility service accounts provided by the municipality be placed in the name of the owner(s) registered on the property title only.

2. An Owner shall ensure that:

- (a) Payment of all charges, fees and bills for Water Service and Sewer Service performed by the Town in accordance with Schedule "A" of this Bylaw, attached and forming part of this Bylaw;
- (b) Adherence to the requirements of this Bylaw; and
- (c) Prompt payment of their Account or any penalties assessed.

The utility bill for any Account with all applicable rates, charges, toll fares and rents may be mailed or delivered to the Owner or the Owner's authorized agent on a regular basis and payment of the total billing amount shall be due and payable within thirty (30) calendar days from the date of mailing.

The utility bill of an Account shall contain a notice advising that failure to pay the full payment shall result in an additional percentage charge and that any utility bill which remains unpaid thirty (30) calendar days after the date of mailing may result in the Town initiating action as provided in Section 22. 3. (a) (b) (c) or (d)

All payments made on an Account shall be first applied to any arrears outstanding and any balances that thereafter shall be applied to the current billing amount. In the event that any such current utility bill remains unpaid after thirty (30) calendar days from the date of mailing, there will be an additional percentage charge, based on the current billing amount only. The said percentage charge shall form part of the unpaid utility bill.

3. Enforcement of payment of an outstanding account that has not been paid by the Owner or the Owner's authorized agent to the Town within thirty (30) calendar days from the date of mailing may be undertaken by the Town by any or all of the following methods:

- (a) Whereas authority is granted by Section 553 of the Municipal Government Act,

being Chapter M-26 Statutes of Alberta 2000, for the Municipal Council to add amounts owing for utility arrears to the tax roll of a parcel of land, transfer the arrears and penalties plus an administration fee in accordance with Schedule "A" to the tax roll of the property without further notice. The Town shall notify the Owner in writing that the outgoing bill has been charged against the land. These charges become an amount owing to the Municipality and subject to collections under the tax recovery process.

- (b) In instances where the current occupant is not the Owner and has paid a deposit, the Town may apply all or a portion of the deposit against the utility bill which remains unpaid;
- (c) In instances where the account in question is served by an individual Curb Stop or Stop Valve, the Town shall provide the occupant with a shut off notice, which will be left at the property in question, advising that failure to pay the utility bill within five (5) business days may result in the Town terminating Water Service and Sewer Service without any further notice;
- (d) In the case of default of payment of water charged, the Town of Bashaw may enforce payment by action in a court of competent jurisdiction, or alternatively by distress upon seizure of goods and chattels of the consumer, or lien upon the properties being served by these utilities. In the event the charge or lien is made, shall be subject to the same penalties and be collectible by the same procedures as taxes levied by the Town of Bashaw.

If upon final billing of an Account, a balance remains on the deposit amount, it shall be refunded by the Town to the occupant within thirty (30) calendar days together with interest. Balances of \$10.00 or less shall not be refunded.

The Town shall not be obliged to waive payment of an account or late payment charge because the customer/owner failed to receive or lost the utility bill.

In the event that the Water Service and Sewer Service is shut off or discontinued, the owner or occupant with a current deposit on account, shall be required to first pay the full amount owing which resulted in the Water Service and Sewer Service being shut off or discontinued plus the reconnection fee and deposit as provided by Schedule "A", attached and forming part of this Bylaw, before the Town will process a new Application and reconnect service.

An Owner may contact the Town for a temporary turnoff of the Water Service and Sewer Service.

An Owner wishing to close their Account must request a closing of the Water Service and Sewer Service at least five (5) working days before it is to become effective.

When an Owner requests a closing of an Account, the Town shall read the Water Meter in order to establish the final billing amount.

Any owner or occupant with a current deposit on account, of a building or lands that uses Water Service and Sewer Service from an existing service connection has an obligation to pay for all Water Service and Sewer Service received during their occupancy regardless of whether an Account has been opened in the name of the owner or occupant with a current deposit on account.

PART V

ENFORCEMENT OF BYLAW

23. **AUTHORITY TO ENFORCE**

The Manager is delegated the authority to take such action as is necessarily required to generally maintain, manage and conduct any public utility construction or maintenance in accordance with this Bylaw, and to maintain, manage and conduct the Town Foreman, Bylaw Enforcement Officers and others employed in connection with them.

The Bylaw Enforcement Officer is hereby authorized with the power to investigate or enforce the provisions of the Bylaw.

No person shall interfere with, or prevent, a Town employee or other authorized individual, including a Bylaw Enforcement Officer, from carrying out any of his or her powers or duties under this Bylaw.

24. **PENALTIES AND OFFENSES**

ANY person who violates a provision of this By-law is guilty of an offence and liable upon summary conviction of a penalty not exceeding \$2,500.

Under no circumstances shall a person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

25. **VIOLATION TAGS**

The Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

A Violation Tag may be issued to such person:

- (a) Personally;
- (b) By mailing a copy to the person's last known post office address; or

- (c) By leaving a copy of the Violation Tag with any other person purported to be at least 18 years of age or over residing at the last know postal address of the person to whom the Violation Tag is addressed.

The Violation Ticket shall be in a form approved by the Manager and shall state:

- (a) The name of the person;
- (b) The offense;
- (c) The penalty for the offense as indicated in Schedule “B” of this Bylaw;
- (d) The penalty shall be paid within 20 days of the issuance of the Violation Tag to avoid possible prosecution; and,
- (e) Any other information as may be required by the Manager.

Where a contravention of this Bylaw is of a continuing nature, the Bylaw Enforcement Officer may issue further Violation Tags, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

Where a Violation Tag is issued pursuant to this Bylaw, the person to whom this Violation Tag is made, may in lieu of being prosecuted for the offense, pay to the Town the penalties specified on the Violation Tag.

26. VIOLATION TICKETS

In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offenses Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.

Notwithstanding Section 27.1, where a Bylaw Officer has reasonable and probable grounds to believe that an offense has been committed, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the *Provincial Offenses Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, to any person to whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

Where a Violation Ticket has been issued to a person pursuant to this Bylaw, the person may plead guilty to the offense by submitting to the Clerk of the Provincial Court the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

SECTION VI
GENERAL

27. **SEVERABILITY**

Should any provision of this Bylaw be determined to be invalid, then such provision shall be severed and the remaining provisions of this Bylaw shall be maintained.

28. **REPEAL**

27.1 Bylaw 555-89, 698-2007 is hereby repealed.

29. **EFFECTIVE DATE**

This Bylaw shall come into effect January 1, 2009 subsequent to third and final reading thereof.

READ a First time this 6th day of
January, A.D. 2009

MAYOR

TOWN MANAGER

READ a Second time this 6th day of
January, A.D. 2009

MAYOR

TOWN MANAGER

UNANIMOUS CONSENT for a third
reading this 6th day of January, A.D.
2009

MAYOR

TOWN MANAGER

READ a Third time and finally passed
this 6th day of January, A.D. 2009

MAYOR

TOWN MANAGER

SCHEDULE "A"
CHARGES, RATES AND FEES

- | | | |
|----|---|---------------------------|
| 1. | <u>Metered Rates</u>
(two months) | <u>Jan 1/09</u> |
| | In-Town Customer
<i>-Variable Component</i>
Consumption per m ³ | \$0.40 |
| | In-Town Customer
<i>-Fixed Component</i>
Flat Fee Bi-Monthly | \$30.00 |
| | Highway 12/21 Agreement
Consumption per m ³ | \$0.70 |
| 2. | <u>Non-Metered Rates</u> – two months | \$40.00 |
| 3. | <u>Sanitary Sewer Service Charge</u> – two months
\$30.00 or ½ water charge, whichever is greater to a maximum of \$200.00 | |
| | Bulk water - | \$2.00 per 100 gallons. |
| 4. | <u>Application/Reconnection Fee</u>
For Water Services - | \$25.00 |
| | <u>Idle Service Fee</u>
Activation for Idle Service Disconnection and Reconnection - | \$50.00 |
| 5. | <u>Testing of Water Meter</u>
Per inspection -
Professional Services – As per actual billing | \$100.00 |
| 6. | <u>Hydrant Fees</u>
Rental Fee - | As established by Council |
| 7. | <u>Permit for Well or Other Water Supply</u>
Per source or parcel | \$50.00 |
| 8. | <u>Meter Fees</u>
Current Market Cost | |

9 Service Charges

Transfer fees for delinquent Water Account to Tax Roll - \$40.00

SCHEDULE "B"
VIOLATION PENALTIES

Violations listed in Schedule "B" are subject to the following specified penalties.

Violation Tags

Section 7

Turn off or on water service valve without
Authorization
\$250.00

Section 8

Tampering with water meter or reading device
\$250.00

Section 10.(1)

Wastage of Water
\$250.00

Section 12.(1)

Violation of emergency water allocation regulations
\$250.00

Section 13.

Unauthorized drawing of water from fire hydrant or tampering with fire hydrant
\$250.00

Section 14

Unauthorized drawing of water from an alternate source
\$250.00

Section 16

Unauthorized connection to sewer main
\$250.00

Section 17 (a) (b) (c)

Discharge of waste into sewer system which contravenes
Federal, Provincial or Municipal Legislation
\$2,500.00

Section 17

Tampering with manhole cover, ventilator, or other
appurtenances of Sewer System \$250.00



BYLAW 714:2009

SCHEDULE "C"
TOWN OF BASHAW

UTILITIES RENTAL AGREEMENT

Utility Account Number		Street Address			
Legal Description					
Lot:		Block:		Plan:	
Owner's Name:			Renter's Name:		
Owner's Mailing Address:			Renter's Mailing Address:		
Owner's Phone Number:			Renter's Phone Number:		

I, _____, being the owner of the property described above, hereby consent to having the Town of Bashaw utility billing forwarded to the renter at the renter's mailing address as noted above. **The utility billing shall be retained in my name, but forwarded in care of the renter.**

I ALSO AGREE TO:

1. Allow any unpaid utility account balances not paid within the specified time to be transferred to the property tax account, plus fees and penalties, knowing that amounts transferred to the tax roll are then subject to penalties applicable to unpaid taxes.
2. Acknowledge that there may not be notification for late or nonpayment of utility billings until tax levy notices are mailed in the spring of each year.

This agreement shall be effective: _____

Date

Signature of Property Owner

Signature of Property Owner

Print Name

Print Name