
WATER AND SEWER BYLAW

A BYLAW RESPECTING THE REGULATION, OPERATION, AND CONTROL OF A WATERWORKS TREATMENT AND DISTRIBUTION SYSTEM AND SEWAGE COLLECTION AND TREATMENT SYSTEM IN THE TOWN OF ECKVILLE.

Preamble

WHEREAS, the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, provides for the passing of a Bylaw by the Municipal Council respecting Public Utilities within the Town, and,

WHEREAS, Waterworks and Sewage are defined as a Public Utility,

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF ECKVILLE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS;

1. Title

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

2. Definitions

In this Bylaw:

- 2.1 **Authorized Person** means any representative appointed by the Town of Eckville,
- 2.2 **Consumer** or **Customer** means any person, firm, corporation, owner, occupier, lessee or tenant who has entered into a contract with the Town for utility services or who is the owner or occupant of any premises connected to or provided with utility services under this Bylaw,
- 2.3 **Council** means the Council of the Town of Eckville,
- 2.4 **Main Line** means that portion of a water and sanitary sewer infrastructure that is constructed to distribute or collect from services at more than one premise,
- 2.5 **Meter** means a water meter used to measure the amount of water used,
- 2.6 **Manufactured Home Park** means a parcel of land, operated and maintained to provide sites and facilities for the placement and occupation of mobile homes (residential buildings containing one dwelling unit suitable for long term occupancy designed to be transported on its own wheels and chassis or other means to a site) on a long term basis and includes a trailer court, trailer park or mobile home park,
- 2.7 **Sewer Service Connection** means that portion of the sanitary sewer infrastructure extending from the main line to the property line of the premise being serviced,
- 2.8 **Water Service Connection** means that portion of the water distribution system infrastructure that extends from the main line to the property line of the premise.

3. Use and Control

- 3.1 The use and control of all public water works, water treatment systems, sanitary sewer and any sewage disposal works connected therewith, shall be in accordance with this Bylaw. The Council hereby delegates to the Chief Administrative Officer authority to do all things

necessary in order to fulfill the responsibilities and duties in accordance with this Bylaw, Provincial and Federal statutes and regulations, related regulations and policies, and the direction of Council.

- 3.2 The Chief Administrative Officer may delegate the performance of certain duties to assigned staff, agents, or contractors in so far as such delegation is not inconsistent with Provincial or Federal Legislation or this Bylaw, related regulations or policies thereof.

4. Construction and Replacement of Water and Sewer Works

- 4.1 The Town may operate a water supply and distribution system for the purposes of supplying the residents and consumers within the Town with potable water and adequate fire protection.
- 4.2 The Town may operate a sewage collection and disposal system for the purposes of collecting, treating and disposing of sewage produced by any customer within the Town.
- 4.3 Council may by resolution enter into agreements with other municipalities, private corporations, or citizens for the supply of water or sewer services beyond the corporate limits of the Town, adopting such provisions, regulations or rates as may be deemed appropriate.
- 4.4 The Council may, as becomes necessary, authorize the construction, replacement or upgrading of the water supply system or the sewage disposal system with funding for such projects obtained from whatever sources may be appropriate.
- 4.5 The assessment of the need for the construction of water distribution or sewage collection mains may be initiated by the Town, private owners or developers.

5. Installation of Water and Sewer Mains

- 5.1 Where Council has authorized the construction of the proposed mains the Town may undertake such construction and may perform the installation with its own forces or may arrange the installation by a private contractor.
- 5.2 The costs of the construction of such mains shall be borne totally by the benefitting properties with the owners or developers of the lands providing the required funding for the project.
- 5.3 Where the owner of a property which will benefit from the installation of a main cannot be obliged to share the costs of the project, the Town may require the remaining owners or developers to fund the entire cost of the project with the Town endeavoring to collect the proportionate cost attributable to the undeveloped property and return it to owners at some point in the future when the undeveloped property seeks service from the main installed.
- 5.4 Notwithstanding Sections 5.1 to 5.3 where the installation of water or sewer mains is to be done in conjunction with the subdivision and development of parcels of land, Council may enter into a Development Agreement for purposes of providing water and sewer servicing to the area and the provisions of this Bylaw may be varied as deemed appropriate.
- 5.5 The installation of all water and sewer mains and related facilities shall be in accordance with the standards and specifications as may be adopted from time to time by Council.
- 5.6 The costs of installation of water and sewer mains shall include but not be limited to those expenditures required for:
- 5.6.1 Engineering, surveying, materials testing, inspection;
- 5.6.2 Acquisition of right-of-way;

- 5.6.3 Materials such as pipe, valves, fittings, manholes, fire hydrants and other specified materials required in the installation;
- 5.6.4 Excavation and installation of mains;
- 5.6.5 Backfill, compaction, road surface repair and other restoration.
- 5.7 Where for purposes of future development of the Town Water Distribution or Sewage Main System, the Town requires that an oversized main be installed the Town may endeavor to assist the Developer in recovering the costs related to the over sizing through future development agreements.

6. Replacement of Water and Sewer Mains

- 6.1 Where it is necessary to replace a water or sewer main because of deterioration of the condition of the pipe to a point where the ability of the pipe to function is significantly impaired, the reliability of the pipe is seriously reduced, or where because of planned major street upgrading it is deemed desirable to replace a main prior to upgrading to prevent subsequent damage to a new road surface from anticipated main repairs or replacements, the Council may initiate the replacement of water or sewage mains or both.
- 6.2 Council may include the replacement of additional mains to improve the financial viability and cost effectiveness of a planned replacement project.
- 6.3 The cost of the replacement of water and sewer mains shall be funded where possible from related water and sewer revenues, reserves, or applicable government grants; or if necessary, may be funded through debenture borrowing.

7. Water and Sewer Service Connections

- 7.1 Where the Town undertakes work pursuant to this part the costs to be charged to owners of property shall be calculated in accordance with costs and charges as may be adopted from time to time by Council.
- 7.2 No source of water including wells other than the Town Water Distribution System shall be used for any purpose within the Town except where specifically authorized by Resolution of Council.
- 7.3 Such exemption may be permitted by Council if the property for which water service is required is:
 - 7.3.1 Located in relation to an existing main such that the extension of that main is precluded because of excessive cost or engineering difficulty;
 - 7.3.2 Adjacent to an existing main which is insufficient in terms, size, and capacity, and upsizing of the main is deemed excessive in cost;
 - 7.3.3 Projected to use a volume of water which would strain the Town's water supply capacity.
- 7.4 Where a property is using an alternate water source pursuant to Section 7.2 and where subsequent to the permission being granted for that source, a water main is constructed or upgraded such that the supply of water from the Town system is now practical, the owner of the property shall discontinue the use of the alternate water source and make connection to the Town water main within one (1) year of the completion of the installation or upgrading of the water main.
- 7.5 All properties which generate sewage shall be connected to the Town's sewer system except where specifically authorized by resolution of Council.
- 7.6 Such exemption may be permitted by Council if the property for which sewer service is required is:

- 7.6.1 Located in relation to an existing sewer main such that the extension of that main is precluded because of excessive cost or engineering difficulty;
- 7.6.2 Adjacent to an existing main which is insufficient in terms of size and capacity to handle the proposed effluent and upsizing of the main is deemed excessive in cost;
- 7.6.2 The types of wastes to be generated by the property are not permitted by this Bylaw or Provincial Regulation to be disposed of through the Town's sewer system.
- 7.7 Where an alternate sewage disposal installation has been permitted pursuant to Section 7.6.1 and 7.6.2 and where subsequent to that installation a sewage main is constructed or upgraded such that the disposal of sewage from the property to the Town system is now practical, the owner of the property shall discontinue the use of the alternate sewage installation and make connection to the Town sewage main within one (1) year of the installation or upgrading of the sewer main.

8. Installation of New Service Lines

- 8.1 Each lot or parcel and each principle building or occupancy where feasible shall be provided with a separate water and sewer service.
- 8.2 The developers of Multiple Housing and Commercial Developments shall submit private water and sewer system design plans, duly signed by a Professional Engineer, to the Town for review and approval prior to construction start.
- 8.3 The developer shall furnish two (2) sets of "As Built" plans to the Town within thirty (30) days of completion of the private water and sewer system and accompanying these "As Built" plans shall be a letter indicating that the private water main system is fully operational.
- 8.4 When any new lot or group of lots is developed, the developer shall arrange at his own cost the installation of adequate water and sewer service lines to the specifications and requirements of the Town.
- 8.5 Such subdivision development will be governed by development or servicing agreements.
- 8.6 Where a lot is within a developed area the Town may install the service lines to the front property boundary only and shall charge the owner of the property with the all costs incurred including the cost of materials, street or sidewalk rehabilitation, wages and equipment time involved. An additional cost for winter installation will apply for installing services between October 15 of any year and May 15 of the following year. The fee will be set by separate Bylaw.
- 8.7 The cost of the above work is a lien upon the land, which it serves and may be recovered in like manner as taxes that are a lien upon the land.
- 8.8 The Town may cause the installation to be performed by a private contractor.
- 8.9 Where the Town does not install the service lines under Section 8.8 the Town shall have the right of inspection.
- 8.10 The owner shall advise the Town of the time of installation and shall allow the Town reasonable opportunity to inspect the installation for conformance to Town standards and specifications.
- 8.11 Persons excavating for service lines and connections shall not backfill until a request for inspection has been made to the Town and the Town has done an inspection and approved the installation.
- 8.12 When making a request for an inspection, a 24-hour notice will be required by the Town and an inspection will only be done during normal working hours.

- 8.13 Persons backfilling before requesting and receiving an inspection may be asked by the inspector to dig out and expose the service lines so that a proper inspection can be done.
- 8.14 The owner shall be responsible to arrange and pay for all costs associated with the laying of services from the main line to within his own property.
- 8.15 Permission will not be granted to supply two (2) or more buildings fronting on the same street with a single service unless the service is divided within the street and a separate shut-off is provided for each service.
- 8.16 Notwithstanding Section 8.1, where only one of the service buildings occupies the frontage of the lot parcel and others are located to the rear of the said front building then permission may be granted to supply all the buildings subject to a separate shut off valve, water meter and remote reading device being installed for each service.
- 8.17 Portions of the public service piping constructed on Town lands shall become the property of the Town.

9. Repair and Maintenance of Existing Water Service Lines

- 9.1 The Town shall be responsible for the maintenance and repair of the water service line including the thawing of frozen lines from the main up to and including the curb stop valve
- 9.2 Should the damage to the line be caused by the negligence or improper action of the occupant the costs for repairing or thawing lines will be charged to the property owner.
- 9.3 The property owner shall be responsible for the repair of the water service line within his own property.
- 9.4 The Town will not normally undertake the repair of a water service line on private property but may do so if the property owner, after diligent efforts, cannot arrange a plumber or other private contractor to undertake the repairs.
- 9.5 The Owner shall be required to enter into an agreement with the Town, agreeing to the repair and assuming the costs of the repairs deemed necessary by the Town.
- 9.6 Where the exact location of a problem cannot be determined to be either clearly within the Town street or on private property, the Town will undertake to determine the location of the problem.
- 9.7 If the problem exists within the street, the Town will continue to complete repairs.
- 9.8 If it is found to exist on private property, the owner shall be responsible for the costs incurred by the Town to that point and shall be responsible for the completion of the repairs.
- 9.9 If the problem is found to be on both private and Town property it will be the responsibility of the owner of the property to repair his side before the Town will undertake repairs to the Town property.
- 9.10 No person shall interfere with, damage, or make inaccessible any curb stop due to the construction of sidewalks, pathways, driveways, trees or shrub plantings, etc. If it is required to make repairs or changes due to inaccessibility to or damage to curb stops, the owner of the property being serviced by said curb stop shall be required to assume all costs involved in said repair.

10. Repair and Maintenance of Existing Sewer Service Lines

- 10.1 The owner shall be responsible for clearing any blockages including tree roots in the sewer service line from the building to the main.
- 10.2 If a blockage occurs, the owner or occupant shall contact a plumber to clear the line.

- 10.3 If the plumber determines the blockage is on the Town property, it must be verified by online video inspection before the Town will undertake to clear the line using such equipment as may be necessary.
- 10.4 Where a blockage is located on the owner's property and cannot be cleared the owner shall be responsible for arranging and paying for any work required restoring the operation of the service line.
- 10.5 Where a blockage is located within the street, the Town shall undertake the repair of the service line and shall bear the cost of the repairs only if the blockage was caused by physical damage to the service line due to faulty installation, substandard materials or ground settlement or movement.
- 10.6 The owner shall be responsible for repair costs where the blockage has occurred for any other reason.
- 10.7 If applicable, repair costs shall include replacement of a damaged sidewalk and repair or restoration of curb and gutter and streets.
- 10.8 If the problems with the line cannot be attributed to the specific causes identified in Section 10.5 above, then the owner shall be responsible for the costs.
- 10.9 If the problem is found to be on both private and Town property it will be the responsibility of the owner of the property to repair his side before the Town will undertake repairs to the Town property.

11. Replacement of Existing Service Lines

- 11.1 If the owner of a property wishes to replace a water or sewer service line or where a service line needs replacement because it can no longer be economically repaired and the replacement must be undertaken, it shall be at the owner's cost.
- 11.2 Installation of replacement service lines shall be governed by those provisions in Section 8.2 through 8.17.

12. Wells and Other Sources of Supply Water

- 12.1 No well or other source of water except the Town water mains shall be used in the Town without authority obtained as per Section 7.2 from the Council for that purpose.
- 12.2 All persons having charge of or being owners or occupants of premises containing a well or other source of supply of water other than the water mains of the Town shall apply to the Council for permission to use the water in such well or other source of supply of water other than the water mains of the Town and must be approved by the Executive Officer of the Local Board of Health and the Plumbing Inspector. The person must also arrange that an analysis of the water in the well or other source of supply of water will be made to the satisfaction of the Executive Officer of the Local Board of Health and before permission is granted the Executive Officer of the Local Board of Health shall certify that such analysis has shown the said water to be suitable for domestic consumption. The report of the Provincial Analyst shall be accepted as to the analysis of any water. Upon complying with the provisions of this bylaw, the person may be granted permission to use the water in the said well or other source of supply of water.
- 12.3 All persons are responsible for obtaining the necessary approvals from Alberta Environment and any other provincial or federal regulatory agencies as may be applicable. They must also present written proof of these approvals to the Town.
- 12.4 Where a property is using an alternate water source pursuant to Section 7.2 and where subsequent to the permission being granted for that source, a water main is constructed or upgraded such that the supply of water from the Town system is now practical, the

owner of the property shall discontinue the use of the alternate water source and make connection to the Town water main within one (1) year of the completion of the installation or upgrading of the water main.

- 12.5 No such permission shall be granted for new wells in connection with any premises abutting on a street, avenue, lane or road upon which there is a Town water main.

13. Private Sewage Disposal Systems

- 13.1 No private sewage disposal systems except the Town sewer mains shall be used in the Town without authority obtained from the Council for that purpose.
- 13.2 No person shall construct or maintain any tank cesspool, septic tank, cesspool or other facility on private land intended or used for the disposal of sewage without approval in writing from the Provincial Authority having jurisdiction and providing a copy of same to the Town.
- 13.4 All owners of premises using private sewage disposal systems shall operate and maintain such facilities in a sanitary manner at all times and at their own expense.
- 13.5 Where an alternate sewage disposal installation has been permitted pursuant to Section 7.6.1 and 7.6.2 and where subsequent to that installation a sewage main is constructed or upgraded such that the disposal of sewage from the property to the Town system is now practical, the owner of the property shall discontinue the use of the alternate sewage installation and make connection to the Town sewage main within one (1) year of the installation or upgrading of the sewer main.
- 13.6 Upon the owner of any property connecting any building to the Town's sewerage system, such owner shall abandon any private sewage disposal system.
- 13.7 No such permission shall be granted for private sewage disposal systems in connection with any premises abutting on a street, avenue, lane or road upon which there is a Town sewer main.

14. Meters

- 14.1 All water outlets from a water service connection to any building within the Town must be metered using a meter as provided by the Town.
- 14.2 If a water service is unmetered, the Town shall install a meter pursuant to this Bylaw.
- 14.3 Not more than one water meter will be allowed for a building where only water service is provided.
- 14.4 The size of the meters shall be determined as recommended by the Public Works Supervisor for each service.
- 14.5 The Town shall supply, own and maintain all water meters and remote readouts as required.
- 14.6 The owner or customer shall be responsible for the installation of the water meter.
- 14.7 The Town shall undertake any repairs necessary to the meter, remote readout or associated fittings to ensure proper operation and remedy leaks.
- 14.8 Where the meter can no longer be repaired, the Town will replace the meter at no cost to the owner or occupant.
- 14.9 All owners, tenants or occupiers of buildings or land shall give access to employees, agents or representatives of the Town for the purposes of installing, maintaining or reading a meter.
- 14.10 Every customer shall make allowance for the installation of water meters in accordance with the Town's specifications and shall protect the same from frost or other damage when placed upon their premises.

- 14.11 Where the customer fails to protect the meter and service lines from frost or other damage, the Town shall charge the cost of repairs and replacement to the owner or customer.
- 14.12 The Town shall seal those meters installed and no person except as authorized by the Town shall break or tamper with any such seal or meter.
- 14.13 No person shall disconnect a meter or do anything which will bypass or prevent or impede the flow of water through the meter or which may affect the proper operation of the meter.
- 14.14 The Town shall undertake to read the consumption from the remote readout.
- 14.15 If a meter reading is disputed by either the Town or the consumer, a written notice shall be given to the other.
- 14.16 Within thirty (30) days following receipt of written notice:
 - 14.16.1 A water meter situated on the consumer's premises shall be removed and tested or calibrated by a qualified person. In the event that the meter is found to be accurate within 5% of actual water volume passing through the same, the expense of such test or calibration shall be borne by the party initiating the dispute.
 - 14.16.2 In the event the said meter is found not accurate within the said limits it shall forthwith be repaired or be replaced and the expenses of so doing shall be borne by the Town.
 - 14.16.3 If a meter is found not to be accurate, the accounts based upon the reading of that meter for the maximum of twelve (12) monthly bills preceding the date of such test shall be corrected in proportion to the error of the meter in excess of the above limits and the consumer shall pay or there shall be refunded payment or refund shall be accepted by both the Town and the consumer as settlement in full to the date thereof of all claims because of the inaccuracy of such meter.
 - 14.16.4 When a consumer requests a meter reading at a time other than the Town's regularly scheduled time for meter reading, he may be assessed a fee for such reading. Provided, however, if upon such reading, it appears that the previous billed meter reading is incorrect, no service charge will be required.

15. Fire Protection Service

- 15.1 The Fire Chief of the Town Fire Department, his assistants and officers, and members of the department, are authorized to use the hydrants or fire plugs for the purpose of extinguishing fires, or fire practices, or for making trial testing of hose pipe, or for fire protection, but all such cases shall be under the direction and supervision of the said Chief or his duly authorized assistants, and in no event shall any inexperienced or incompetent person be permitted to manipulate or control in any way any hydrant or plug.
- 15.2 No person not being in the employment of the Town and not being a member of the Fire Department and authorized in that behalf, shall willfully open or close any hydrant or obstruct the free access to any hydrant stop-cock, chamber pipe or hydrant chamber by placing on it any building material, rubbish, or other obstruction.
- 15.3 No trees or shrubs shall be planted within 1 m (3 feet) of a fire hydrant. In addition, no tree branches shall be allowed to encroach within 0.7 m (2 feet) of a hydrant.

16. Contamination

- 16.1 No consumer shall cause, permit or allow to be or remain connected to the water supply system any piping, fixture, fitting, container or other appliance which may cause water from a source other than the water utility or any other harmful deleterious liquid or substance to enter the water utility.
- 16.2 The Town may cause the water supply to any consumer contravening the provisions of this Section to be shut off provided that the Town will, if it considers it practical so to do, give notice to such consumer prior to such water supply being shut off.
- 16.3 The water supply to such consumer shall not be restored until such consumer has paid to the Town all costs associated with the shutting off of the water supply, the cleanup of contamination and the remedying of the consumer's default under this Section.

17. Storm Drainage

- 17.1 No person shall direct, allow or suffer any storm drainage to be placed in the sewage collection system.
- 17.2 Where storm drainage on any land is directed into or connected to the sewage collection system, the owner of that land shall forthwith disconnect the storm drainage from the sewage collection system and connect it to the storm drainage collection system, if available, or shall dispose of the storm drainage in a manner satisfactory to the Town.

18. Bulk Water Purchases

- 18.1 Any person utilizing the Town's Water System for the purchase of bulk water shall enter into a Bulk Water Agreement with the Town.
- 18.2 Any person utilizing the service provided must do so under the terms and conditions imposed by the Bulk Water Agreement.

19. Bulk Sewage Disposal

- 19.1 Any person utilizing the Town's Sewer System for the disposal of bulk sewage shall obtain from the Town a valid Sewage Disposal Permit.
- 19.2 Any person utilizing the service provided must do so under the terms and conditions imposed by the Sewage Disposal Permit.
- 19.3 Any person discharging sewage into the sewer system will be responsible for the contents of the discharge and also for any costs involved to correct detrimental affects related to the contents of the discharge.

20. Rates, Billing and Collection

- 20.1 Application for utility service:
 - 20.1.1 Any customer who requires the water service to be turned on shall give forty-eight (48) hours or two (2) working days prior notice of same to the Town Office. The customer must be in attendance before the service is turned on.
 - 20.1.2 Any person who requires any utility services shall apply to the Town Office and complete the form provided by the Town.
 - 20.1.3 The utility account shall be set up in the name of the owner, or where there is evidence of a landlord/tenant situation, in the name of the owner, or tenant in care of the owner.
- 20.2 The various service rates shall be levied and collected bi-monthly from all persons connected to Town water and sewer systems.

- 20.3 The water and sewer service rates, connection/disconnection fees and other service charges and fees shall be set by separate Bylaw.
- 20.4 A utility bill showing the value of water and sewer services provided by the Town for a two (2) month period shall be calculated in accordance with the prescribed rates as soon as is practical after the end of the billing period and mailed.
- 20.5 The water service charge shall be combined on the same utility bill with the sewer service charges and any other charges, but separate entries identifying each charge, shall be made on the utility bill.
- 20.6 Where the calculation of a utility billing is based on the consumption of water, the quantity used shall be determined from the present and previous meter readings as recorded by the Town or should an actual reading not be available, by an estimated consumption based on the consumption history of the service.
- 20.7 No reduction in rates or charges shall be made for any interruption in water or sewer services during a billing period.
- 20.8 Utility bills are due and payable upon receipt of billing with payment of utility accounts to be made at the Town office or at any place designated from time to time by Council.
- 20.9 Non-receipt of a utility bill will not exempt the owner or occupant from payment for the service received.
- 20.10 Where a utility account has been outstanding for a period of sixty (60) days, a notice will be mailed or delivered to the utility customer giving warning that water service may be shut off unless payment of the full account is received by a specified date.
- 20.11 Where there is a landlord/tenant situation a copy of the notice will be mailed to the owner.
- 20.12 If payment is not received within the time period specified or if the customer has failed to make other arrangements, the water service will be turned off and shall not be turned on until such time as the utility account is paid in full.
- 20.13 In the event that a utility account has been in arrears for a period of six months, the balance outstanding and any penalties and fees will be transferred to the tax roll of the property and be collectable by the same procedures as taxes levied. A notice will be mailed indicating same. Section 553 of the Municipal Government Act, being Chapter M-26 Statutes of Alberta 2000, grants the Town the authority to add amounts owing for utility arrears to the tax roll.
- 20.14 Where there is a landlord/tenant situation and the tenant fails to pay the fees for the utility services, the owner shall be responsible for said fees and the fees owing shall be applied to the tax roll and collected as taxes, with a notice mailed indicating same.
- 20.15 Where an outstanding account cannot be collected as a result of shutting off the water or if it cannot be added to the tax roll the Town will undertake collection by any means provided by law.
- 20.16 Any person intending to vacate any premises that has been supplied with water shall give forty-eight (48) hours or two working days prior notice of same to the Town Office, otherwise the rates thereof shall be charged until such notice is given.
- 20.17 Any person or persons about to vacate any premises that have been supplied with water or who are desirous of discontinuing the use thereof must give notice in writing to the Town to shut off the water at the said premises, otherwise they will be held liable for the accruing rates thereof and for all damages suffered or sustained by the Town and caused by failure to give such notice.
- 20.18 Where a service to a customer is to be discontinued, a final billing will be calculated on a pro rata basis from the date of the last billing to the date of discontinuance.

- 20.19 Customers opening a new account who are indebted to the Town for utility services previously supplied will not be entitled to receive utility services until payment of such outstanding account, and payment of any deposit required has been paid in full.

21. Rental Properties and Manufactured Home Parks

- 21.1 Every applicant for the supply of water and sewer who is not an owner or resides in a manufactured home park and the owner has not made application on their behalf shall make application to the Town Office and to make payment of the deposit required to be paid.
- 21.2 Every owner where there is a landlord/tenant situation must sign a “Utilities Rental Agreement” consenting to allow any unpaid utility account balances to be transferred to the property tax account plus any fees and penalties. Failure to sign a “Utilities Rental Agreement” will result in the Town supplying utility services only to the owner in accordance with Section 42 of the Municipal Government Act.
- 21.3 Where services are being provided and no application has been made the owner is deemed to be the customer and utility billings shall be addressed to, and be payable by him.
- 21.4 Every applicant for the supply of water and sewer who is not an owner or resides in a manufactured home park shall, before service is turned on, deposit with the Town a guarantee deposit of \$250.
- 21.5 The deposit shall be retained for a period of two (2) years and will be refunded thereafter without interest, provided:
 - 21.5.1 The applicant has not been in violation of Sections 20.10 to 20.12 during the most recent two (2) year period, or
 - 21.5.2 There is no reason for the Town to suspect that the customer would not continue to pay for utility services in a responsible manner.
- 21.6 The deposit will be returned when the service is discontinued before the two (2) year term under Section 21.5, provided that such deposit may be applied to any unpaid account at the time of such discontinuance of such service.
- 21.7 Interest for the period of time which the deposit is held by the Town shall not be paid.

22. General Provisions Governing Use of Water and Water Services

- 22.1 In case of making repairs or in construction of new works or in connecting or repairing service lines, the Town shall have the right to shut off the water from any consumer or customer without notice and keep it off as long as may be necessary.
- 22.2 The Town will endeavor to provide notice to customers of such interruption of service and shall seek to minimize the inconvenience to customers as quickly as may be possible and reasonable.
- 22.3 When an emergency in the water supply occurs and/or to maintain an adequate supply of water and adequate water pressure within the Town, the Council may impose restrictions on the use of water.
- 22.4 The Chief Administrative Officer has the authority to set limitations on rationing of water.
- 22.5 If, in the opinion of the Chief Administrative Officer and/or the Public Works Supervisor, during such water shortages, any user is abusing his water privileges, the Chief Administrative Officer may authorize services to said premises to be temporarily suspended. The period of suspension shall be determined by the Chief Administrative Officer, or in the absence of the Chief Administrative Officer, the Public Works Supervisor.

- 22.6 Except where authorized by the Town no person shall open, close or interfere with any hydrant or valve connected to the Town water system.
- 22.7 No consumer, or owner, or occupant of any building or property which is supplied with water by the Town shall sell or otherwise dispose of water therefrom, give away or permit the same to be taken or carried away from the property unless specifically authorized by the Town.
- 22.8 The Town may have the water shut off to the property of any owner or customer breaching any of the provisions of this Bylaw, and in cases where the water has been shut off for allowing waste or leaks or defects in pipes or connections may refuse to restore water services until the defects have been repaired.
- 22.9 Water shall be shut off at the curb stop valve and no person shall turn on or attempt to turn on the water except where authorized by the Town.
- 22.10 No person shall willfully, and without authority, hinder, interrupt, or cut off the supply of the water.
- 22.11 No person shall willfully or maliciously let off or discharge water so that it runs waste or useless.
- 22.12 No person shall lay or cause to be laid or attached any pipe or main to communicate with any pipe or main of the water system or in any way obtain or use any water service without the consent of the Town
- 22.13 No person shall cut, break, pierce, or tap any water line or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into any water line.

23. General Provisions Governing the Use of Sewer Services

- 23.1 No person shall throw, deposit or leave in or upon any Town sewer or any trap, basin, grating, manhole or other appurtenances thereto any butcher's offal, garbage, litter, manure, rubbish, weeping, 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, sewer, and slops properly discharged through a sewer into a Town sewer.
- 23.2 No person shall permit to be discharged into any sewer, any liquid or liquids that would prejudicially affect the sewers, or other trade waste or any waste stream, condensing water, heated water, or other liquids of a higher temperature than eighty (80) degrees Celsius.
- 23.3 No person shall make, or cause to be made, any connection with any town sewer, house drain or appurtenance thereof, for the purpose of conveying, or which may convey, into the same any inflammable or explosive material, storm water, roof drainage, cistern or tank overflow, condensing or cooling water or water from a sump pit.
- 23.4 No person shall discharge the contents of any privy vault, manure pit or cesspool, directly or indirectly, into any Town sewer, or house drain connected therewith unless authorized by the Town.
- 23.5 No person shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator or other appurtenance of the Town sewer, except where authorized by the Town.
- 23.6 No person shall cut, break, pierce, or tap any Town sewer or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into any Town sewer except where authorized by the Town.

- 23.7 No person shall interfere with the free discharge of any Town sewer or part thereof, or do any act or thing which may impede or obstruct the flow and clog up any Town sewer or appurtenance thereof.
- 23.8 The Town may upon reasonable notice and at reasonable times enter buildings or other places which have been connected with Town sewers, and facilities to ascertain whether or not any improper material or liquid is being discharged in sewers, and the Town shall have the power to use any test or other means necessary to determine compliance with this Bylaw and to stop or prevent the discharge of any substances that are liable to injure the sewer or obstruct the flow of sewage.
- 23.9 No waste or discharge resulting from any trade, industrial or manufacturing process shall be directly discharged to any Town sewer without such previous treatment as shall be prescribed by the Town for each such case.
- 23.10 The necessary treatment works so prescribed shall be completely installed by the consumer, at his expense, prior to the construction of the sewer connection and thereafter shall be continuously maintained and operated by the consumer.
- 23.11 Grease traps of sufficient size and approved design shall be placed on the sewer pipes from all hotels, restaurants, laundries and such other places as the Town under advisement, may direct.
- 23.12 Sumps of sufficient size and approved design shall be placed on the sewer pipes from all car washes and any other building which may cause excess dirt and debris to pass into the sewer service.
- 23.13 Back Flow Valves: where premises are subject to backflow, all plumbing fixtures and floor drains set below the level of the ground surface of the adjoining street or property shall be protected from backflow by an approved flow valve. Back flow valves are required for all premises where service lines are within two (2) meters of the ground water table.

24. Penalties, Enactment and Other Provisions

- 24.1 Every person who contravenes any provision of this Bylaw is guilty of an offence and on conviction, is liable for a fine of not less than \$200 and not more than \$10,000.
- 24.2 If a person is guilty of a conviction for an offence, which offence occurs after the date of conviction of an earlier offence under this By-Law, the person is guilty of an offence, and on conviction is liable for every day or part thereof upon which a subsequent offence occurs or continues to a fine of not less than \$500 and not more than \$10,000.
- 24.3 No person who is convicted of an offence pursuant to this Bylaw is liable to imprisonment.
- 24.4 The Town may discontinue the supply of all utility services for any of the following reasons:
- 24.4.1 non-payment of any utility accounts, or
 - 24.4.2 inability of the Town to obtain access to a residential premises to read any meter for a period of six (6) months, or to a non-residential premises to read any meter for a period of three (3) months, or
 - 24.4.3 failure by, or refusal of, a consumer to comply with any provision of this Bylaw, or
 - 24.4.4 failure by, or refusal of, a consumer to comply with any provisions of any Provincial Acts, the Building Code, or any regulations there under, or
 - 24.4.5 in any other case provided for in this Bylaw, and in such event the Town, its officers, employees or agents shall not be liable for any damages of any kind from such discontinuance of service.

- 24.5 The Town does not guarantee the pressure nor the continuous supply of water and the Town reserves the right at any and all times without notice to change operating water pressures and to shut off water and the Town, its officers, employees or agents shall not be liable for any damages of any kind due to changes in water pressure, the shutting off of water, or by reason of the water containing sediments, deposits or other foreign matter.
- 24.6 The Town is not liable for damages:
 - 25.6.1 caused by the break of any water or sewer main or service line;
 - 25.6.2 caused by the interference or interruption in the supply of water or sewer services necessary in connection with the repair or proper maintenance of the water and sewer system.
 - 25.6.3 Generally for any accident due to the operation of the water and sewer system unless that action has been shown to be directly due to the gross negligence of the Town.

25. Separate and Severable

- 25.1 Each Section of this bylaw shall be read and construed as being separate and severable from each other. Should any Section of this Bylaw be found to have been improperly enacted for any reason, then such Section apart shall be regarded as being severable from the rest of the bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

26. Date of Force

- 26.1 This bylaw shall come into full force and effect on January 1, 2010.
- 26.2 This bylaw shall cancel all previous sewer and water bylaws.

Read for the first time this 11th day of January, 2010.

Read for the second time this 11th day of January, 2010.

Read for a third and final time this 11th day of January, 2010.

Mayor

Chief Administrative Officer