

UTILITY BYLAW NO. 005-19
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF SMOKY LAKE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION, OPERATION AND MAINTENANCE OF A WATER SYSTEM, SEWER SYSTEM, STORM SEWER SYSTEM, GAS SYSTEM AND WASTE MANAGEMENT AND TO PROVIDE FOR THE AUTHORIZATION TO LEVY RATES AND CHARGES THEREOF.

WHEREAS by virtue of the power conferred upon it under the *Municipal Government Act*, R.S.A. 2000, c. M-26, the Council of the Town of Smoky Lake, duly assembled, enacts as follows:

1. TITLE

1.1 This Bylaw may be referred to as the "Utilities Bylaw" of the Town of Smoky Lake.

2. INTERPRETATION

2.1 In this Bylaw, the following terms shall have the following meanings, unless the context specifically requires otherwise:

- (a) **"Account"** means an account created pursuant to this Bylaw relating to the provision of utility services including waste management;
- (b) **"Ashes"** shall mean the residue from the burning of combustible materials.
- (c) **"Billing Period"** means the calendar month for which the Municipality assesses its utility services, and for greater certainty, the following are Billing Periods: January; February; March; April; May; June; July; August; September; October; November; and December;
- (d) **"Building"** means any structure used or intended for supporting or sheltering any use or occupancy;
- (e) **"Collection Day"** shall mean the day or days during the week on which garbage is regularly collected from specific premises, together with the twelve (12) hour period immediately preceding and immediately following that day.
- (f) **"Council"** means the municipal Council of the Town of Smoky Lake;
- (g) **"Customer"** means any person to whom the Municipality supplies utility services, and in whose name an account has been opened with the Municipality for the purpose of providing utility services under this Bylaw;
- (h) **"Disconnection of Services"** means the utility services will be shut off due to non-payment or requested by owner.
- (i) **"Due Date"** means the date set out in the invoice of the Municipality by which a utility charge shall be paid. The due date will be set in policy by resolution of Council and shall be within the month following the Billing Period and if the due date falls on a day other than a business day, the next business day;
- (j) **"ERT"** means Encoder, Receiver & Transmitter;
- (k) **"Gas System"** means any of the Municipality's work for the transmission and distribution of natural gas, or any part of such system;
- (l) **"Interceptor"** means a device approved by the Municipality and designed to prevent oil, grease, sand, or other matter from passing from the source into the sewage system;
- (m) **"Matter"** means any solid, liquid or gas;
- (n) **"Meter Deposit Charge"** means the customer must pay \$200.00 in advance if they wish to have the meter tested for accuracy.

- (o) **"Meter Inlet"** means the entry point where the gas/water enters the meter;
- (p) **"Meter Outlet"** means the exit point where the gas/water leaves the meter;
- (q) **"Municipality"** means the Town of Smoky Lake,
- (r) **"Occupier"** means a person occupying a premise, including a lessee or licensee, who has actual use, possession or control of the premises;
- (s) **"Owner "** means the registered owner of the real property to which Utility Services are provided pursuant to this Bylaw;
- (t) **"Person"** means an individual, partnership, society, association, corporation, trustee, executor, administrator or legal representative;
- (u) **"PH"** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution and denotes alkalinity or acidity;
- (v) **"Premises"** means real property and all buildings and improvements thereon;
- (w) **"Reconnection of Services"** means the utility services will be turned on upon received payment or requested by owner.
- (x) **"Religious or Not for Profit"** means churches or types of organizations that do not earn profits for its owners and needs to be approved by Council.
- (y) **"Release"** means to directly or indirectly spill, discharge, spray, inject, inoculate, abandon, deposit, leak, seep, pour, drain, emit, empty, throw, dump, place or exhaust either intentionally or unintentionally;
- (z) **"Sewage system"** means any of the Municipality's work for the collection, transmission, treatment or disposal of sewage, or any part of such system;
- (aa) **"Storm Sewer System"** means any of the Municipality's work used primarily for the collection of water that is released or drained from a surface as a result of natural precipitation or water to which no matter has been added as a consequence of its use by any person;
- (bb) **"Town"** means the Town of Smoky Lake;
- (cc) **"Town Manager"** means the Chief Administrative Officer (CAO) as appointed by Council, or the Chief Administrative Officer's delegate;
- (dd) **"Utility Charges"** means the fees imposed by the Municipality for utility and solid waste collection and disposal services pursuant to this Bylaw as set in the Master Rates Bylaw by Council resolution as amended from time to time;
- (ee) **"Utility Services"** means the supply of water and natural gas to, and the disposal of sewage from, a premise by the Town pursuant to this Bylaw;
- (ff) **"Utility System"** means the Municipality's gas system, storm sewer system, sewage system, and water system;
- (bb) **"Water System"** means any of the Municipality's work for the collection, transmission, treatment and distribution of water;
- (cc) **"Solid Waste Collection and Disposal"** means any of the Municipality's work (contracted or other) for the collection and disposal of solid waste and recycling.

2.2 Nothing in this Bylaw relieves a person from complying with any federal or provincial legislation or regulation or municipal bylaw, or any requirement of any lawful permit, order or license.

- 2.3 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 2.4 All headings and subheadings in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- 2.5 Specific references to statutes, regulations and other bylaws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.

3. DELEGATION OF AUTHORITY

- 3.1 Council hereby delegates to the Town Manager all those powers stipulated by this Bylaw to be exercised by the Municipality and all necessary authority to exercise those powers, excluding therein, the power to set utility charges or enact bylaws, or do anything else reserved exclusively for Council pursuant to the provisions of the Municipal Government Act. The Town Manager may delegate any powers, duties or functions under this Bylaw.
- 3.2 Without limiting the generality of the foregoing, The Town Manager may deal with the following subject matters:
- (a) standards, guidelines, and specifications for the design, construction and maintenance of the utility system;
 - (b) procedures or requirements that a customer must comply with before the utility system is installed or activated, or as a condition of ongoing provision of utility services;
 - (c) customer accounts, including without limitation provisions or requirements concerning opening an account and making payments on accounts;
 - (d) measurement of water and gas consumption;
 - (e) procedures or requirements concerning investigating customer complaints and concerns;
 - (f) procedures or requirements for upgrading, re-sizing or otherwise changing the utility system, whether at the instigation of the Municipality or at the request of a customer.

4. GAS SYSTEM AND CHARGES

- 4.1 No person shall, without the prior written approval of the Municipality, release, discharge or deposit any matter into the gas system.
- 4.2 Any person who releases, discharges or deposits or causes or permits the release, discharge or deposit into the gas system of any matter without the Municipality's consent shall:
- (a) notify the Municipality immediately upon becoming aware of the release, discharge or deposit;

- (b) provide information respecting the release, discharge or deposit to the satisfaction of the Municipality; and
 - (c) be liable for all costs incurred by the Municipality with respect to the release, discharge or deposit for containment, sampling, testing, removal, cleanup, disposal and any other related activity.
- 4.3 All customers receiving gas system services pursuant to this Bylaw shall pay the utility charges set out in the Master Rates Bylaw by Council resolution as amended from time to time.
- 4.4 A customer is deemed to be receiving gas system services unless exempted pursuant to Section 9.
- 4.5 The service charge represents costs associated with delivering gas to each premises and includes administration. The service charge is invoiced each month as long as the infrastructure is situated at the premises whether gas is consumed or not.

5. SEWAGE SYSTEM AND CHARGES

- 5.1 No person shall, without the prior written approval of the Municipality, discharge or deposit or cause or permit the discharge or deposit of the following matter into the sewage system:
- (a) matter which because of its type, temperature, quality or quantity, may be or may become a health or safety hazard to any person or which may be or may become harmful to a sewage system of the operation thereof, or which may cause the sewage system's effluent or operation to contravene any federal or provincial legislation or regulation or municipal bylaw, including an approval, requirement, direction or other order issued by Alberta Environment or other enforcing agency, with respect to the sewage system or its discharge;
 - (b) matter that may cause an offensive odor to emanate from a sewage system;
 - (c) Subsurface drainage, including weeping tile drainage;
 - (d) water that has originated from a source separate from the water system of the Municipality, unless there is no water system abutting the premises;
 - (e) hauled sewage;
 - (f) matter that is a solvent or petroleum derivative including, but not limited to gasoline, benzene, naphtha or fuel oil;
 - (g) matter that is or that contains carbon bi-sulphide, hydrogen sulfide, ammonia, trichloroethylene, sulphur-dioxide or formaldehyde;
 - (h) matter containing dyes or colouring material, or which upon reaction with other matter will significantly discolour the effluent in the sewage system;
 - (i) matter having a pH rating of less than five and a half (5.5) or greater than ten (10.0);

- (j) matter containing any paunch manure, intestinal contents from horses, cows, sheep, swine or any other fish or animal, stomach casings, fish scales, bones, hard bristles, hides, manure, poultry entrails, feet or feathers, and fleshing and fair resulting from hide processing operations;
- (k) matter consisting of or containing ashes, cinders, sand, mud, straw, metal shavings, glass, rags, tar, plastic or wood;
- (l) matter having a temperature exceeding one hundred and fifty (150) degrees Fahrenheit or sixty-five and one-half (65.5) degrees Celsius;
- (m) matter consisting of unpolluted water, including but not limited to cooling water, processed water or blow-down from cooling towers or operative coolers;
- (n) matter which will create tastes or odors in drinking water making such waters unpalatable after conventional water purification treatment;
- (o) matter generated by garbage grinders unless:
 - i) the matter is generated in preparation of food normally consumed on the premises and does not include plastic, paper products, inert materials or garden refuse; and
 - ii) the matter is shredded to a degree that all particles will be carried freely under normal flow conditions.
- (p) matter originating from a source outside the Municipality's boundaries;
- (q) matter from any holding or septic tank, other than a designated manufactured home holding tank; or
- (r) matter into a manhole or other opening in the sewage system other than through the works from the premises on which the sewage is generated.
- (s) A service charge is invoiced each month for as long as the infrastructure is situated at the premises whether the water is consumed or not.

5.2 Where the Municipality has agreed to permit the discharge or deposit of matter referred to in Section 5.1 above, the Municipality may require the person to enter into an agreement relating to the discharge or deposit, and the agreement may include all terms beneficial to the Municipality including, that the person shall indemnify and save harmless the Municipality from all costs and damages relating to the discharge or deposit.

5.3 Any person who releases or causes or permits the release into any sewage system of any matter contrary to Section 5.1 above, shall:

- (a) notify the Municipality immediately upon becoming aware of the release;
- (b) provide information respecting the release, to the satisfaction of the Municipality; and
- (c) be liable for all costs incurred by the Municipality with respect to the release for containment, sampling, testing, removal, cleanup, disposal and any other related activity.

5.4 All customers of:

- (a) commercial, industrial or institutional premises in which vehicles or equipment are serviced, repaired or washed; or

- (b) commercial or institutional premises with food preparation facilities; shall install and maintain interceptors.
- 5.5 Customers of premises other than those referred to in Section 5.4 above shall install and maintain interceptors at the Municipality's direction.
- 5.6 The customer shall ensure that any Interceptor shall be of a type and capacity approved by the Municipality and shall be in such a manner as to be readily and easily accessible for the purposes of cleaning and inspection.
- 5.7 Where matter must be pre-treated in order to comply with the requirements of Section 5.1, such pre-treatment shall:
 - (a) be at the sole cost of the customer; and
 - (b) be through a method approved by the Municipality.
- 5.8 All customers receiving sewage system services pursuant to this Bylaw shall pay the utility charges set out in the Master Rates Bylaw by Council resolution, as amended from time to time.
- 5.9 A customer is deemed to be receiving sewage system services unless exempted pursuant to Section 9.
- 5.10 Property owners shall be required to pay the Sewer Main Connection Fee established by Council as per the Master Rates Bylaw as amended from time to time, if that property has not paid its proportionate share of the costs to construct the sewer main supplying service to that property.

6. WATER SYSTEM AND CHARGES

- 6.1 No person shall, without the Municipality's written consent, release, discharge or deposit any matter into the water system. Any person who releases, discharges or deposits or causes or permits the release, discharge or deposit into the water system of any matter without the Municipality's written consent, shall:
 - (a) notify the Municipality immediately upon becoming aware of the release, discharge or deposit;
 - (b) provide information respecting the release, discharge or deposit to the satisfaction of the Municipality; and
 - (c) be liable for all costs incurred by the Municipality with respect to the release, discharge or deposit for containment, sampling, testing, removal, cleanup disposal and any other related activity.
- 6.2 All customers receiving water system services pursuant to this Bylaw shall pay the utility charges set out in the Master Rates Bylaw and as amended by Council resolution from time to time.
- 6.3 A customer is deemed to be receiving water system services unless exempted pursuant by this Bylaw.

- 6.4 Water purchased through a water hydrant will be charged per cubic meter. The Town will install a meter at the hydrant to ensure an accurate accounting of water volumes. This practice shall be at the discretion of the Public Works Manager. The customer purchasing water through the hydrant will be responsible for any and all damages to the Town infrastructure and meter as a result of obtaining water through the hydrant. It will be at the discretion of the Town Manager if a deposit is required. It will be at the discretion of the Town Manager as to the amount of deposit but will be no less than \$3,000.00. The deposit must be paid in advance.
- 6.5 Property owners shall be required to pay the Water Main Connection Fee established by Council as per the Master Rates Bylaw as amended from time to time, if that property has not paid its proportionate share of the costs to construct the water main supplying service to that property.

7. WASTE MANAGEMENT AND CHARGES

curbside waste collection- The fees for curbside waste collection are charged to customers and shall be as per the Master Rates Bylaw. This charge is for garbage bag pick-up four times per month and the rental and emptying of bins. This fee shall apply whether the service is being used or not.

- 7.1 No person shall dispose of ashes, garbage or refuse in the Town of Smoky Lake except in the manner provided in this Bylaw.
- 7.2 Garbage shall be thoroughly drained of all liquid and shall be securely wrapped or bagged before being placed in a garbage receptacle.
- 7.3 Unless otherwise stipulated in this Bylaw, the Town:
- (a) Shall remove all domestic garbage once a week from all customers
 - (b) May sponsor a cleanup week to provide for the removal of all junk garbage, refuse, litter, waste and all other related material from the Town.
- 7.4 The following waste materials are excluded from Town collection:
- (a) All ashes, garbage and/or refuse not properly prepared for collection or not placed in containers or otherwise contrary to the requirements of this Bylaw will not be removed.
 - (b) All building refuse, industrial waste, commercial refuse, bulk refuse, junk, dead animals and hazardous refuse.
 - (c) No person shall, directly or otherwise, dispose of or permit any person to dispose of any explosive, inflammable, volatile, noxious, or dangerous device or substance.



7.5 The Council of the Town of Smoky Lake may cause a notice to be served to the owner, lessee or occupant of any building or other establishment on any lot within the Town to remove any ashes dirt, filth or refuse and dispose of said wastes at a Sanitary Landfill Site or as may otherwise be specified, and designate in said notice, a time which shall not be less than seven (7) days in which to remove the ashes, dirt, filth or refuse.

- (a) If the owner, agent, lessee, or occupant does not comply with the notice within the period of time specified, the Municipality may proceed to have the work done and charge the costs to the owner, agent, lessee or occupant as per the Master Rates Bylaw by Council resolution as amended from time to time.

7.6 The Town will not undertake the removal and/or disposal of hazardous waste materials not suitable for disposal by the sanitary landfill method. Every person responsible for the removal of such waste material shall dispose of it in a manner satisfactory to Alberta Environment.

- (a) If the owner, agent, lessee, or occupant does not comply with the notice within the period of time specified, the Municipality may proceed to have the work done and charge the cost to the owner, agent, lessee or occupant as per the Master Rates Bylaw by Council resolution as amended from time to time..

8. STORM SEWER SYSTEM

8.1 No person shall, without the Municipality's written consent, release matter of any kind listed below into or in land drainage works, private bench drains, or connections to any storm sewer system:

- (a) matter which because of its type, temperature, quantity or quality may:
 - i) interfere with the proper operation of the storm sewer system;
 - ii) result in a hazard to any person, animal, property or vegetation;
 - iii) impair the quality of the water in any well, lake, river, pond, stream, reservoir or other water or water course; or
 - iv) result in the contravention of any federal or provincial legislation or regulation or municipal bylaw including any approval, requirement, direction or other order issued by Alberta Environment or other enforcing agency with respect to the storm sewer system or its discharge;
- (b) matter containing more than fifty (50) milligrams per liter of suspended solids;
- (c) matter containing dyes or coloring material or which upon reaction with other matter will discolor the water in the storm sewer system;
- (d) matter containing solvent, extractable matter of vegetable origin or mineral or synthetic origin which causes a visible film, machine or discoloration on the water surface;

- (e) any matter which by itself or in combination with other substances is capable of causing or contributing to any explosion or supporting combustion; or
- (f) matter that is sewage.

8.2 Any person who releases or causes or permits the release into any storm sewer system any matter contrary to Section 7.1 above, shall:

- (a) notify the Municipality immediately upon becoming aware of the release;
- (b) provide information respecting the release, to the satisfaction of the Municipality; and
- (c) be liable for all costs incurred by the Municipality with respect to the release for containment, sampling, testing, removal, clean-up, disposal and any other related activity.

9. PROTECTION OF UTILITY SYSTEM

- 9.1 No person shall remove, break, damage, destroy, deface, tamper or cause or permit the removal, breaking, damaging, destruction, defacing or tampering with any part of the utility system or any permanent or temporary device installed in the utility system for the purpose of measuring, sampling, or testing of matter in the utility system. Any person who does perform such acts shall be liable for any damage incurred.
- 9.2 If the Municipality believes there is any actual or threatened danger to life or property, or in any other circumstances, the nature of which, in the Municipality's sole judgment requires such action, the Municipality has the right to discontinue utility services without prior notice to the customer.
- 9.3 The Municipality may discontinue utility services to a customer (without prejudice to any of the Municipality's other remedies) after providing 48 hours advance notice to the customer in the following circumstances:
- (a) if the customer neglects or refuses to pay when due any utility charges, which amount is not the subject of a good faith dispute;
 - (b) if the customer is otherwise in violation of any provision of this Bylaw;
 - (c) as required by law; or
 - (d) any other similar circumstances to those described above that the Municipality determines, in its sole discretion, acting reasonably, require the disconnecting of utility services upon 48 hours' notice.
- 9.4 Whenever the Municipality determines that a release from premises is contrary to this Bylaw, the Municipality may, in addition to any other provisions in this Bylaw, require the customer to:
- (a) install and maintain a device to detect the presence of a release contrary to this Bylaw; and
 - (b) notify the Municipality of a detection of a release contrary to this Bylaw, and to provide all information to the Municipality's satisfaction.

- 9.5 No person shall supply false information or make inaccurate or untrue statements in a document or information required to be supplied to the Municipality pursuant to this Bylaw.
- 9.6 Utility charges shall be due and payable notwithstanding that the premises are vacated or abandoned, unless the customer successfully applies to the Municipality to be exempted from paying utility charges for one or more utility services. The Town Manager may accept such application upon being satisfied:
- (a) that the premises are not occupied for any purpose; and/or
 - (b) that the absence of the relevant utility services will not contravene or result in the contravention of any federal or provincial legislation or regulation or municipal bylaw.

10. INSTALLATION AND MAINTENANCE OF GAS, WATER AND SEWER SYSTEMS

GAS

- 10.1 The owner (as a term of being supplied with gas services) of any land abutting on any road or easement wherein there is a gas main now existing or hereafter located shall:
- (a) complete the Gas Service Main Connection Agreement and pay to the Municipality the Gas Service Main Connection Fee as per Master Rates Bylaw by Council resolution as amended from time to time before any construction commences. The written agreement shall contain information as prescribed by the Town Manager and shall be subject to the approval of the Town Manager. The agreement shall require the owner to pay for installation of the gas service (from the main line) up to and including the Meter Inlet. The agreement shall require the owner to pay for installation of any secondary lines or meters.
 - (b) install in any building (beyond the point of a Meter Outlet) connections with the gas system and any apparatus and appliances required to ensure the proper and sanitary condition of the building and premises; and
- 10.2 The owner, (as a term of being supplied with gas services) is responsible for the cost of construction, maintenance and repair of those portions of the service connection both above, on, or underneath the premises to the boundary of the road or easement, but only to the point (but excluding) the main.
- 10.3 The Municipality shall perform all maintenance and make renewals or replacements as it sees fit to do so with respect to any pipelines, meters, regulators, valves and other facilities needed to deliver natural gas to the Meter Outlet.
- 10.4 Title to the natural gas supplied by the Municipality shall pass from the Municipality to the customer at the Meter Outlet of the gas meter.
- 10.5 Installation will be completed in accordance with the Federation of Alberta gas Co-ops Guidelines for Operation and Maintenance Practices in Alberta Natural Gas Utilities.

WATER

10.6 The owner of any land abutting on any road or easement wherein a water main now exists or is hereafter located shall:

- (a) Complete the Water Service Main Connection Agreement and pay to the Municipality the Water Service Main Connection Fee per the Master Rates Bylaw by Council resolution as amended from time to time before any construction commences.
- (b) install both in any building and between the building and the boundary of the road or easement in which the water main is located (up to the point of the curb cock valve), connections with the water system and any other apparatus and appliances required to ensure the proper sanitary conditions of the building and premises, including a water meter. The water service shall be installed by a person authorized to do so under the *Safety Codes Act*. The water service shall be installed to the Municipality's satisfaction and according to all relevant federal or provincial legislation or regulation or municipal bylaw. The owner shall ensure that the water service shall be inspected by the Municipality prior to backfilling of the trench and prior to connection to the water system.

10.7 The owner, (as a term of being supplied with water services) is responsible for the cost of construction, maintenance and repair of those portions of the service connection both above, on, or underneath the premises to the boundary of the road or easement, but only to the point (but excluding) the curb cock valve.

10.8 Title to the water supplied by the Municipality shall pass from the Municipality to the customer at the point of the curb cock valve.

10.9 **Response to Water Break Reports**

Public Works shall respond to a report of a water break as soon as reasonably practical.

- (a) **Initial Check:** The Town staff shall first inspect the area reported as a water break.
- (b) **Area Leaking - After the curb cock:** The attending staff member shall advise the owner or occupier that the water break is after the curb cock. Costs associated with fixing the leak shall be the responsibility of the owner. It is not the Town's responsibility to fix the break. Town staff will shut the water off at the curb cock or supply valve by the meter set and may invoice the owner for the call out.
- (c) **Area Leaking - Before or at the curb cock:** The attending staff member/s shall take the steps necessary to repair the water break.
- (d) **Area Leaking - Before or at the curb cock caused by damage outside municipal operations:** The attending staff member shall advise the owner or occupier that the water break was caused by damage not related to municipal operations. The Town shall take the necessary actions to repair the leak and the owner shall be responsible for the costs associated with the repair.



SEWER

- 10.10 The owner of any land abutting on any road or easement wherein there is a sewer main now existing or hereafter located shall:
- (a) Complete the Sewer Service Main Connection Agreement and pay to the Municipality the Sewer Service Main Connection Fee as per the Master Rates Bylaw by Council resolution as amended from time to time before any construction commences.
 - (b) install, in any building, and between the sewer main and any building (including a sewer service line) connections with the sewage system, and any other apparatus and appliances required to ensure the proper sanitary condition of the building and premises. The sewer service shall be installed by a person authorized to do so under the *Safety Codes Act*. The sewer service shall be installed to the Municipality's satisfaction and according to all relevant federal or provincial legislation and regulations or municipal bylaw. The owner shall ensure that the sewer service shall be inspected by the Municipality prior to backfilling of the trench and prior to connection to the sewer system.
 - (c) refrain from use or continuance of any water closets or privies that are not connected with the sewage system.
- 10.11 The owner, (as a term of being supplied with sewer services) is responsible for the construction, maintenance and repair of those portions of the service connection both:
- (a) above, on, or under the premises; and
 - (b) from the main line of the sewer system to the boundary of the road or easement.
- 10.12 Maintenance and repairs of sewer service lines due to tree root infiltration originating from the Municipality's property shall be the responsibility of the Municipality.
- 10.13 **Response to Sewer Back Ups**
Public Works shall respond to a report of a sewer back-up as soon as reasonably practical.
- (a) **Initial Check:** The Town staff shall first check the sewer main to determine its rate of flow. A normal rate of flow within the sewer main indicates that the blockage is in all likelihood within the sewer pipe service. An abnormally small amount of flow, or no flow, may indicate that the sewer main itself is obstructed.
 - (b) **Obstruction in Sewer Main:** If the blockage is within the sewer main, steps shall be taken as reasonably practical, and as resources and equipment become available, to clear the blockage from the main.
 - (c) **Blockage in Sewer service Line:** If the blockage is within the sewer service pipe, the attending staff member shall determine if the problem may be due to tree root infiltration of trees planted on Town property adjacent to the privately-owned property.

- i) **No trees on adjacent Town property:** If the blockage is within the sewer service pipe and there are no trees on adjacent Town property, the attending staff member shall advise the owner or occupier of such. Costs associated with clearing shall be the responsibility of the owner. It is not the Town's responsibility to clear the blockage.
 - ii) **Trees on adjacent Town property:** In areas where the Town has planted or given permission to be planted, trees or bushes in the Town boulevard adjacent to the privately-owned property, the Town staff shall determine if roots from these trees infiltrate the sewer service line.
 - iii) If there is potential for tree root infiltration, the attending Town staff member shall, within a timeframe which is reasonably practical, attend the property with root cutting equipment and clear the sewer service pipe at the Town's expense.
- (d) **Back Up Flow Preventers** - property owners/occupiers shall be advised that sewer backup flow preventers are mandatory under the current building code and must have such a device installed in the floor drain.

METERS

10.14 Public Works will respond to a report of a broken gas or water meter as soon as reasonably practical. (refer to Section 11.6 for meters not registering).

- (a) **Initial Check:** The Town staff shall first inspect the meter reported as broken.
- (b) **Replacement:** If it is determined that the meter is indeed broken and was caused by damage not related to municipal operations, the meter shall be replaced as soon as reasonably practical. The owner shall be responsible for the costs associated with the call out, the meter and all related supplies.

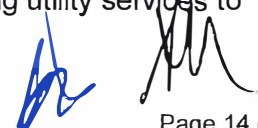
STORM SEWER

10.15 The owner of any land abutting on any road or street where a storm sewer system is constructed shall install such connections at the premises as required by the Municipality but shall not connect any eaves or weeping tile.

GENERAL

10.16 If the owner fails, neglects or refuses to comply with this Bylaw within sixty (60) days of the enactment of this Bylaw, or within sixty (60) days of the construction of the gas system, sewage system, water system or storm sewer system within the abutting street, public place, or road, where construction takes place after the enactment of this Bylaw, the Municipality may enter onto the premises and make the connection or installation, at the expense of the owner.

- 10.17 The Municipality will install at least one water meter and ERT for every Water System service connection to a premise. Any additional meters or relocation of meters shall be at the discretion of the Municipality and will be at the expense of the owner. Notwithstanding the foregoing the owner of the premises on which a trailer court or designated manufactured home park or a condominium exists, shall ensure that a water meter shall be installed for each trailer or manufactured home site or condominium unit, unless otherwise agreed by the Municipality.
- 10.18 The Municipality will install at least one gas meter for every Gas System service connection to a premise. Any additional meters or relocation of meters shall be at the discretion of the Municipality and will be at the expense of the owner. Notwithstanding the foregoing the owner of premises on which a trailer court or designated manufactured home park or condominium exists shall ensure that the gas meter be installed for each trailer or designated manufactured home site or condominium unit, unless otherwise agreed by the Municipality.
- 10.19 Any meter installed pursuant to this section is the property of the Municipality and shall be deemed to be part of the Utility System.
- 10.20 The owner of premises for which a service connection (including a meter) for any aspect of the utility system is located shall ensure that the works are protected from damage, including freezing. The owner shall be responsible for the costs of repair or replacement of damage to the utility system, including freezing.
- 10.21 Costs related to any services resulting from repairs, not caused from municipal operations shall be invoiced to the owners as outlined in the Master Rates Bylaw by Council resolution as amended from time to time.
- 10.22 The Municipality will neither admit to, nor be held liable for, any direct or indirect damages to property as a result of the operation or non-operation of the sewer, water or gas system, regardless of season.
- 10.23 The customer shall ensure there is clear and free access to all meters.
- 10.24 Where the owner is required to perform any work within lands owned or controlled by the Municipality (including a road or easement) the owner shall contact the Town Manager prior to performing such work, remediate the lands to the satisfaction of the Town Manager, and perform the work according to the terms specified by the Town Manager.
- 10.25 No person shall resell natural gas or water delivered to any premise.
- 10.26 The Municipality shall incur no liability by reason of failure respecting provision of utility services, nor shall it be liable for loss, costs, or damage to persons or property arising or resulting from the supply or use of the utility services. The owner shall be responsible for all damages or blockages to lines and equipment on the owner's premises, and that portion connected between the main and the boundary of the road or easement, due to his or his agent's negligence. The Municipality is not liable for any failure to supply utility services for any reason whatsoever, including interruption of supply.
- 10.27 Full compliance with this section is a condition and term of supplying utility services to that premises.



- 10.28 Nothing in this Bylaw precludes the Municipality from requiring the installation of a utility system pursuant to the municipal authority prescribed in Part 17 of the municipal Government Act, or any another enactment.
- 10.29 Nothing in this Bylaw precludes the Municipality from acting as a contractor to install or maintain works that are the responsibility of the owner, on terms satisfactory to the Town Manager. If the Municipality does act as such a contractor, it shall not be deemed to have waived the owners' ongoing responsibilities as prescribed by this Bylaw.
- 10.30 If any customer requires an increase supply of water or gas at the premises for which utility services are provided by the Municipality, the customer shall notify the Municipality prior to increasing consumption. Any increase, is subject to the discretion of the Municipality, acting reasonably, and having regard to the Municipality's ability to provide utility services to other customers, and to operate the utility system safely.
- 10.31 The Municipality may, at such times and for such lengths of time as is considered necessary or advisable or through bylaw, implement water restrictions to any or all parts of the Town.
- 10.32 All water restrictions shall be duly advertised prior to taking effect.
- 10.33 No person shall, without the Municipality's written consent, contravene the terms or conditions of any water restrictions.

11. UTILITY CHARGES

- 11.1 The Municipality shall levy utility charges on all premises (unless those premises are exempted pursuant to Section 8 above); Utility charges shall be set out in the Master Rates Bylaw by Council resolution, as amended from time to time.
- 11.2 The Municipality requires a customer to complete the Utility Service Connection form and pay the New Customer Fee as per the Master Rates Bylaw by Council resolution as amended from time to time to create a new utility account. All utility accounts shall be with the owner of the premises, and in the case where the owner is not the occupier, the utility accounts shall be with the owner and the occupier, therefore both shall receive a copy of the utility bill.
- 11.3 The owner of the premises is responsible for the account whether or not utility services had previously been provided to the premises. As prescribed in Section 553 of the MGA, any utility charges remaining unpaid can be levied and collected in a like manner as municipal truces. This means that those utilities remaining unpaid can be transferred to the tax roll of the property that the utility service is being provided to.
- 11.4 Payments can be made at the Town Office, the customer's financial institute, pre-authorized plan or on-line banking services. Credit card payments are accepted for utilities only.
- 11.5 Utilities used for a partial month shall be pro-rated.
- 11.6 The due date is the 28th day of the month in which the customer was invoiced for the utilities. If the 28th day falls on a weekend, the customer has until the next business day to pay.

- 11.7 If a utility bill remains unpaid after the 28th day of the month, a 3.5% penalty will be applied against the outstanding amount.
- 11.8 After two months (60 days) in arrears, the owner / occupier will receive a "Notice of Arrears" letter stating that the utility account must be paid by the date specified in the letter; and utility services may be disconnected or transferred to the tax roll of the property if payment is not made.
- 11.9 If the utility bill remains unpaid after the specified time in the "Notice of Arrears" letter, a 48-hour "Notice of Disconnection" will be delivered to the customer's property.
- 11.10 If the payment has not been received within the 48-hour notice period, or the customer fails to contact the Town Office to make a payment arrangement within the 48-hour notice period, the utilities may be disconnected.
- 11.11 The utilities will not be reconnected until all arrears remaining on the account are paid in full, plus the applicable disconnection/reconnection fees.
- 11.12 Where a meter has been removed, altered, tampered or is defective in any manner, the Town Manager may estimate the water charges or gas charges for that premises for the period of time that the meter was not operating properly. The estimated utility charges shall be deemed to be utility charges set by Council resolution, as amended from time to time.
- 11.13 The customer shall pay to the Municipality any additional utility charges (based on the estimate) for the period that the meter was not operating properly, even if the customer had paid the Municipality for some or all of the utility charges levied for that period.

Meter Disputes

- 11.14 If an owner views that a gas or water meter at the premises is not registering accurately, they may dispute the meter by:
- a) notifying the Town Manager of their concern and requesting, in writing, a test to verify the meter accuracy; and
 - b) paying to the Municipality the meter deposit charge and both the disconnection and reconnection of services fee in advance, as prescribed by the Master Rates Bylaw by Council resolution as amended from time to time.
- 11.15 When the Municipality receives a meter dispute as outlined above, the Town Manager shall:
- (a) schedule an appointment with the owner to remove the meter in dispute and replace it with another one;
 - (b) send the meter to a supplier for accuracy testing; and
 - (c) ultimately provide the owner with a copy of the meter test results.



- 11.16 If the meter test indicated that the meter is within prescribed tolerances, no adjustments to billings will be made, and the Municipality retains all the fees plus will invoice the Customer the remaining costs associated with the meter testing; and the meter will be re-installed to the property.
- 11.17 If the meter is found to be in excess of the prescribed tolerances:
- (a) the Municipality shall reimburse to the owner the meter deposit charge and both the disconnection and reconnection of services fee; and
 - (b) the Municipality will correct the utility accounts by the appropriate amount for the time during which the meter was registering incorrectly. If such time cannot be determined with reasonable accuracy, the correction will be made for a period of not more than three (3) months immediately preceding the date of the application.
- 11.18 The Municipality shall levy utility charges for all premises on a monthly basis, unless otherwise agreed in writing. The Municipality may estimate the consumption for any utility charge, although ordinarily the Municipality will take a meter reading every Billing Period.
- 11.19 A customer is not relieved from paying utility charges by reason of non-receipt of a utility account, whatever the reason for non-receipt.
- 11.20 A customer shall pay the applicable utility charges on or before the due date.
- 11.21 Any owner can request the Town to disconnect/reconnect the meter to their premises, upon payment of a disconnection/reconnection charge set by Council resolution as per the Master Rates Bylaw as amended from time to time. The owner cannot request the Town to discontinue the utility service to their premises when there is an occupier in the premises and where the occupier has not contravened this Bylaw.
- 11.22 Any customer to whom utility services have been shut off for committing a breach of this Bylaw shall, upon having paid all utility arrears owing, and upon requesting the Municipality to restore utility services, pay to the Municipality a reconnection charge set by the Master Rates Bylaw by Council resolution, as amended from time to time.
- 11.23 If payment is remitted for part but not all of the utility charges owing, payment shall be applied to that portion of the utility charges outstanding the longest, regardless of any wish by the customer to apply payment to any portion of the utility charges owing.
- 11.24 In all situations, the owner of the property will be responsible for unpaid accounts.

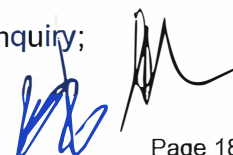
- 11.25 Properties that are under construction, or renovation and are not deemed to be fit for occupancy shall only be charged consumption charges for the utility services provided. In recognition of the fact that the resources of the Town are limited, and that the Town is, therefore, unable to ensure compliance with all relevant legislative standards, the owner of the property shall notify the Town when the property is deemed fit for occupancy. At this time in addition to consumption charges, all fixed charges and minimum monthly service charges shall come into effect. If the owner fails to provide notice that the property is deemed fit for occupancy the Town shall impose fees and charges at the Town's discretion. The onus is on the property owner to apply for an exemption under this section.
- 11.26 Owners that require any gas service be permanently removed shall be required to sign a Town's Release Under the Natural Gas Installation and Service Agreement and pay the Gas Release Charge as per the Master Rates Bylaw by Council resolution as amended from time to time. The gas line will be cut and capped underground and will be considered abandoned and unusable. Therefore, if the owner of the premises wishes to restore the gas service, the owner will be required to pay the Gas Service Main Connection fee as per the Master Rates Bylaw by Council resolution as amended from time to time and all construction costs be at the owner's expense.
- 11.27 Owners that require any water service be permanently removed shall be required to sign a Town's Release Under the Water Installation and Service Agreement and pay the Water Release Charge as per the Master Rates Bylaw by Council resolution as amended from time to time. The water line will be cut and capped underground and will be considered abandoned and unusable. Therefore, if the owner of the premises wishes to restore the water service, the owner will be required to pay the Water Service Main Connection fee as per the Master Rates Bylaw by Council resolution as amended from time to time and all construction costs be at the owner's expense.

ERRORS OR EMISSIONS

- 11.28 The Town will correct any errors or omissions on utility accounts up to a maximum of three previous months. Exceptions to this section may be appealed to Council.
- 11.29 Costs related to any services resulting from repairs not caused from municipal operations shall be invoiced as per the Master Rates Bylaw by Council resolution as amended from time to time.
- 11.30 The Town will neither admit to, nor be held liable for, any direct or indirect damages to property as a result of the operation or non-operation of sewer, water or gas system, regardless of season.

12. RIGHT OF ENTRY

- 12.1 As a condition of receipt of utility services and as operational needs dictate, the Municipality shall have the right to enter a customer's premises at all reasonable times, or at any time during an emergency, for the purpose of:
- (a) installing, inspecting, maintaining, replacing, testing, monitoring, reading or removing the utility system;
 - (b) investigating or responding to a customer complaint or inquiry;



- (c) conducting an unannounced inspection where the Municipality has reasonable grounds to believe that theft of utility services or interference with the utility system (including but not limited to a water or gas meter) has occurred or is occurring; or
- (d) for any other purpose incidental to the provision of utility services.

12.2 The Municipality will make reasonable effects to notify the customer in advance of entering a customer's premises or to notify any other person who is at the customer's premises and appears to have authority to permit entry, except:

- (a) in cases of an emergency.
- (b) where entry is permitted by order of a court or other authority having jurisdiction.
- (c) where otherwise legally empowered to enter.

12.3 No person shall hinder, interrupt or cause to be hindered any authorized representative of the Municipality in the exercise of any of the powers or duties relating to the utility system as authorized or required in this Bylaw.

13. ENFORCEMENT

13.1 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 two hundred (\$200.00) dollars and not more than ten thousand (\$10,000 .00) dollars.

13.2 A person who contravenes any provision of this Bylaw after that person has already been convicted of an offence under this Bylaw or has voluntarily paid a fine for such an offence is guilty of a subsequent offence and on conviction, is liable for a fine of not less than five hundred (\$500.00) dollars and not more than ten thousand (\$10,000) dollars.

13.3 No person who is convicted for an offence pursuant to this Bylaw is liable to imprisonment.

13.4 Compliance with this Bylaw is a condition of providing utility services.

13.5 The Town Manager may add any outstanding account owed by the owner of a premises to the tax roll for that property.

14. GENERAL


14.1 This Bylaw shall come into force and effect on the third and final reading.

14.2 Bylaw 002-19 and any previous utility bylaws are hereby rescinded.

READ A FIRST TIME THIS 9th DAY OF APRIL, 2019




Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer

READ A SECOND TIME THIS 9th DAY OF APRIL, 2019

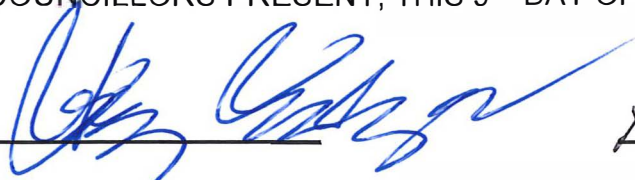


Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer

READ A THIRD AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF ALL
COUNCILLORS PRESENT, THIS 9th DAY OF APRIL, 2019



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer