



BYLAW NO. 06-2010

TOWN OF VEGREVILLE

THIS BYLAW BEING BYLAW NO. 06-2010 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA, REGULATING AND PROVIDING FOR THE TERMS, CONDITIONS, RATES AND CHARGES FOR THE SUPPLY AND USE OF WATER SERVICES PROVIDED BY THE TOWN OF VEGREVILLE.

WHEREAS the Municipal Council of the Town of Vegreville has determined it be expedient to establish water services for the Town of Vegreville;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, provides for the provision of a municipal public utility service subject to such terms, costs and charges as established by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

NOW THEREFORE, the Council of the Town of Vegreville, in the Province of Alberta, duly assembled enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be cited as the Town of Vegreville "Water Bylaw".

2. DEFINITIONS

2.1 "Account" means an account created pursuant to this Bylaw relating to the provision of Water Service;

2.2 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by Council and includes a member of the Royal Canadian Mounted Police, and when authorized a Community Peace Officer;

2.3 "CAO" means the Chief Administrative Officer of the Town or his designate, regardless of the specific title that may be conferred on that officer by Council from time to time;

2.4 "Consumer" means any Person who has entered into a contract with the Town for the provision of Water Service or who is the Owner of any Property connected to or provided with Water Service;

2.5 "Council" means the Municipal Council of the Town of Vegreville;

2.6 "Cross Connection" means any temporary, permanent or potential connection to a Service Connection or appurtenance of a Service Connection that may allow back flow to occur and includes, but is not limited to swivel or change over devices, removable sections, temperature connections and bypass arrangements.

2.7 "Curb Cock" means a valve located on the municipally owned portion of the water Service Connection, located between the Water Main and the Property line installed for the purpose of enabling the municipality to turn on or shut off the supply of water to the Property and may also be referred to as "Stop Cock Valve";

- 2.8 **“Designated Officer”** means the CAO, Infrastructure, Planning & Development Director, Public Works & Utilities Manager, Public Works and Utilities Foreman, Bylaw Enforcement Officer or any individual designated by Council to be a designated officer for the purpose of enforcing the provisions of this Bylaw;
- 2.9 **“Municipal Government Act”** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, and any regulations thereunder;
- 2.10 **“Occupant”** means any Person other than the Owner who is in possession of the Property, including, but not limited to, a licensee, tenant or agent of the Owner;
- 2.11 **“Owner”** means
- (a) any person registered as the Owner of the Property under the *Land Titles Act*;
 - (b) any person who is recorded as the Owner of the Property on the Assessment Roll of the Town;
 - (c) any Person who has become the beneficial Owner of the Property, including by entering into a Purchase and Sale Agreement, whether they have purchased or otherwise acquired directly from the Owner or from another purchaser, and who has not yet become the registered Owner thereof;
 - (d) any Person holding himself out as the Person exercising the power or authority of ownership or, who for the time being exercises the powers and authority of ownership over the Property; or
 - (e) any Person in control of Property under construction;
- 2.12 **“Person”** means a corporation, partnership or individual, and the heirs, executors, administrators or other legal representative of an individual;
- 2.13 **“Property”** means land, buildings, excavations, stockpiles, structures and appurtenances, or any personal property located thereupon, located within the Town;
- 2.14 **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, and any regulations thereunder;
- 2.15 **“Safety Codes Act”** means the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time, and any regulations thereunder;
- 2.16 **“Service Connection”** means the part of the system or works of a Utility that runs from the Water Main of the Utility to a building or other place on a parcel of land for the purpose of providing Water Service to the parcel and includes parts or works such as the pipes, wires, couplings, meters and other apparatus;
- 2.17 **“Stop Valve”** means a valve located on the Owner portion of the Water Service Connection, located on the inflow side for the purpose of enabling the Owner to turn on or shut off the supply of water to the Property;
- 2.18 **“Town”** means the Town of Vegreville;
- 2.19 **“Utility”** means the system or works of a public utility operated by or on behalf of the Town;

- 2.20 “**Violation Tag**” means a tag or similar document issued by the Town pursuant to the *Municipal Government Act*;
- 2.21 “**Violation Ticket**” means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;
- 2.22 “**Water Main**” means those pipes, wires or other apparatus installed for the delivery of water within the Town to which a Service Connection may be connected;
- 2.23 “**Water Meter**” means any device supplied, used or authorized by the Town for the purpose of measuring the volume of water consumed on a Property;
- 2.24 “**Water Service**” means the Utility provided by the Town to provide water to Property located within the Town through a Water Main to a Service Connection;

3. UTILITY SERVICE

- 3.1 The Town shall, in accordance with the terms and conditions prescribed in this Bylaw, be responsible for the operation and management of all Water Service facilities and equipment utilized for the distribution of water.
- 3.2 The use and control of the Water Service shall be in accordance with this Bylaw.
- 3.3 The Water Service shall be under the direct control and management of the CAO, subject to the provisions of this Bylaw and all applicable policies of the Town.
- 3.4 The Town shall supply Water Service so far as there is sufficient capacity, upon such terms, costs or charges as established by Council to any owner.
- 3.5 The Consumer shall:
- (a) pay all charges and rates for the Water Service provided by the Town in accordance with this Bylaw;
 - (b) adhere to the requirements of this Bylaw;
 - (c) be responsible for the condition and protection of all facilities located on the Consumer’s Property. The Consumer shall be liable for any destruction of or damage to the Water Service facilities located on the Consumer’s Property unless the destruction or damage is caused by the act of an agent or employee of the Town;
 - (d) not extend a service from one lot to another without the prior written consent of the Town; and
 - (e) at the request of the Town, grant, or cause to be granted to the Town, such easements or rights-of-ways over, upon or under the Property owned or controlled by the Consumer as the Town reasonably requires for the construction, installation, maintenance, repair, inspection and operation of the facilities required for the Water Service to the Consumer, and for the performance of all other obligations required to be performed by the Town to maintain the Water Service.
- 3.6 No Person shall:
- (a) Remove, operate, connect to or alter any portion of the Water Service owned by the Town, except as authorized by the Town, and in accordance with the standards and policies established by the Town. A Consumer shall be responsible for all damage to the Water Service resulting directly or indirectly from a breach of this section;

- (b) use the Water Service in any manner that causes any interference or disturbance to any other Consumer's use of the Water Service;
- (c) obstruct or impede free and direct access to the Water Service, Water Main, Curb Stop or any other aspect of the Water Service;
- (d) install or allow to be installed any temporary or permanent structures or objects that could interfere with the Property and safe maintenance and operation of the Water Service or result in any damage to the Water Service.

3.7 The Town shall, so far as is reasonably possible, endeavor to provide regular and uninterrupted operation of the Water Service. However, breaks to Water Mains and other facilities are inherent to the normal operation of the Water Service.

4. RIGHT OF ENTRY

4.1 A Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter upon any Property, in accordance with section 542, 543 or 544 of the *Municipal Government Act*, as applicable, in order to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Municipal Government Act*, or any other statute.

4.2 Before conducting an inspection pursuant to section 4.1, a Designated Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the *Municipal Government Act*. For the purposes of this Bylaw, a notice period of FORTY EIGHT (48) HOURS before commencement of the inspection, is deemed to be reasonable notice.

4.3 Notwithstanding section 4.1 and 4.2, a Designated Officer may enter and have access to all parts of a Property in which Water Service is provided by the Town, or intended to be provided by the Town, at any reasonable hour for:

- (a) the purpose of constructing, repairing, maintaining or inspecting the system or works of the Water Service, including but not limited to the Water Main, the Service Connection or the Meter;
- (b) reading Water Meters where the Owner or Occupant has provided written permission for the Town to inspect the Meter at any time; or
- (c) investigating a Consumer complaint or query where the Owner or Occupant has provided verbal permission for the Town to investigate the complaint, including entering the Property at any reasonable time.

4.4 The Designated Officer will make reasonable efforts to notify the Owner or Occupant of when he intends to enter the Property, or other Person who is at the Property and appears to have sufficient authority to permit entry except:

- (a) in case of emergency;
- (b) where entry is permitted under Order of the Court; or
- (c) where entry is authorized under a statute or other enactment.

5. LIABILITY OF THE TOWN

5.1 The Town shall not be liable for any loss, injury, damage, expense, charge, cost or liability of any kind, whether direct, indirect, special or of a consequential nature (except only as specifically provided for in this section) arising out of or in any way connected with any

failure, defect, fluctuation, reduction or interruptions in the provision of Water Service by the Town to Consumers, howsoever caused, including that which is caused by or related to:

- (a) the break, blockage, stoppage or failure of any portion of the Water Service within the Town;
- (b) the interference with or cessation of Water Service in connection with repair or proper maintenance of the Water Service;
- (c) direct or indirectly as a result of the Town approving any Service Connection; or
- (d) accident or incident due to the operation or of the Water Service, unless such costs of damages have been shown to be directly due to an act of bad faith, gross negligence or willful misconduct of the Town or its employees, agents or other authorized representative.

5.2 All limitations, protections and exclusions of liability contained in any provincial or federal legislation shall be applicable to the Town.

6. APPLICATION FOR WATER SERVICE

- 6.1 Any Person who requires Water Service shall make an application to the Town on such form as utilized by the Town from time to time and shall pay to the Town the applicable application fee as set out in Schedule "B".
- 6.2 Upon the acceptance of the application, an Account shall be set up in the name of the Consumer, provided that the Consumer is the Owner of the Property or the Owner's authorized agent. Where the Owner or the Owner's authorized agent makes the request in writing, the utility billings under the Account may be submitted directly to the tenant of the Property as identified by the Owner in writing.
- 6.3 There shall be a separate Water Service Account for each Water Meter located on a Property.
- 6.4 The application shall be supported by such evidence as is sufficient to identify the Consumer and the status of the Consumer, as the CAO may require.
- 6.5 A Consumer may be required at the time of the application to pay a non-refundable fee for the use of the Water Meter, in addition to the cost of installation of the Water Meter, if determined to be necessary by the CAO.

7. CONNECTION TO WATER MAIN

- 7.1 A Service Connection for Water Service shall only connect one property to the Water main, unless a written agreement with the Town authorizes more than one Property to be connected to the Water Main through a single Service Connection.
- 7.2 No Service Connection shall be connected to the Water Main unless prior approval has been granted by the Town.
- 7.3 Those portions of a Service Connection located within the boundaries of a Property are owned by the Owner of the Property, and the Owner shall be responsible for the construction, maintenance and repair of that portion of the Service Connection.
- 7.4 The Town shall, at all times, remain the Owner of that portion of the Service Connection between the Town's Water Main and the Property line of the road or boundary of an easement granted to the Town for its Water Utility, notwithstanding that

the Town's portion of the Service Connection may have been constructed by, or its construction funded by, some Person other than the Town.

- 7.5 Nothing in this Bylaw shall be interpreted as preventing the Subdivision or Development Authority from imposing as a condition of subdivision or development approval, an obligation upon the application for subdivision or development approval to pay for the cost of installation of a portion of the Water Utility necessary to service the lands subject to the application, including the Water Main and those portions of the Service Connection owned by the Town, and located between the Town Water Main and the Property line.
- 7.6 As a condition of receiving water from the Town's Water Service, the Owner shall maintain, in a state of good repair, free from leakage or other forms of water loss, with sufficient protection from freezing, all parts of the Service Connection to the satisfaction of the CAO, through which the supply of water is conveyed from the Town's Water Service to water supply outlets or Fixtures located on or within the Property.
- 7.7 All components of the Service Connection located within the boundaries of a Property shall be constructed to the same standard and with the same or equivalent materials as the Service Connection located between the Water Main and the Property boundary and in compliance with the *Public Health Act* and the *Safety Codes Act* unless the use of alternative material has been approved by the CAO.
- 7.8 Prior to constructing a Service Connection, the Owner shall obtain all necessary municipal and provincial approvals, including a development permit and any required Safety Codes Permits and shall not backfill the excavation until the work has been inspected or approved by the appropriate Safety Codes Officer.
- 7.9 Water Service shall not commence until the Town has received copies of all required approvals under the *Safety Codes Act* and all required inspection reports.
- 7.10 Water Service shall not be commenced or discontinued without prior approval of the Town.
- 7.11 Where the Owner of a Property fails or refuses to maintain, repair or replace all, or any component of the Service Connection as required pursuant to this Bylaw, the Town may:
 - (a) shut off the supply of water to the Property, on FORTY EIGHT (48) HOURS prior notice to the Owner and any Occupant, until necessary repairs have been made to stop the loss of water, or otherwise restore the Service Connection to a condition satisfactory to the Town; and
 - (b) may prepare an estimate of the volume of water loss and demand payment from the Owner for the estimated amount of water lost as a result of the lack of maintenance and repair.
- 7.12 Payment for the amount of water estimated lost pursuant to subsection 7.10(b) shall become due and payable upon receipt of a demand, in writing, from the Town, and may be recovered from the Owner in accordance with the terms of this Bylaw and the *Municipal Government Act*.
- 7.13 Where an obstruction exists between the Water Main and the outlets on or within a Property, the Town shall be responsible for all costs incurred in respect to any investigation of the cause, and the repair of the obstruction, where the obstruction is determined to be located between the Water Main and the boundary line of the Property. Where the obstruction is located inside the boundary line of the Property, the Owner of the Property shall be solely responsible for the costs of investigation of the cause and the repairs to the Service Connection.

- 7.14 On any new Water Service connection the Owner shall supply and install a Stop Valve, of an approved pattern by the Town, on every Service Connection on the in flowing side of the Water Meter and the Owner shall install the Town supplied Curb Cock on the inflowing side of the Water Meter shall set the Curb Cock one (1) inch below the finished landscaped surface and keep the area clear of all obstructions.
- 7.15 Every Service Connection shall have an accessible Curb Stop or Stop Valve at the Property boundary between the Water Main and the Water Meter.
- 7.16 Upon request, the Town shall provide to the Owner, information on the method and manner of installing the Service Connection and associated apparatus.
- 7.17 When a Service Connection for Water Service is no longer required, the Owner shall obtain written permission from the Town to disconnect from the Water Main. The Owner shall disconnect in compliance with the directions of the Town relative to the method and location and shall bear all responsibility and costs associated with the disconnection.

8. WATER METERS AND WATER READINGS

- 8.1 Unless otherwise approved by Council, all water supplied to a Consumer through the Town's Water Service shall pass through a Water Meter approved and supplied by the Town, at the sole expense of the Owner.
- 8.2 All Consumers shall have a Water Meter connected to the Water Service, and shall pay to the Town all regular billing charges for consumption whether an alternative source of water is used or not.
- 8.3 One Water Meter shall be supplied, installed and maintained by the Town, at the sole expense of the Owner, for multi use residential properties, including a Property that contains several buildings, a mobile home park, a Condominium or a seasonal park with no permanent buildings.
- 8.4 All Water Meters supplied to and installed by a Consumer shall, at all times, remain the property of the Town, notwithstanding that the Consumer may have paid an installation fee or any other charge for the provision or installation of the Water Meter.
- 8.5 All Water Meters shall be installed in accordance with Town specifications and standards.
- 8.6 The Consumer shall pay the cost of installation or removal of a Water Meter pursuant to this Bylaw, in addition to any charge for Water Service or any charge for the provision of the Water Meter by the Town. The cost of installation or removal shall be that amount set out at Schedule "B" of this Bylaw.
- 8.7 No Person other than the Public Works & Utilities Foreman or his designate, shall install, test, remove, repair, replace or disconnect a Water Meter unless that Person has been granted the authority to do so in writing by Public Works and Utilities Foreman.
- 8.8 For the purpose of protecting, testing or regulating the use of any Water Meter, the Public Works & Utilities Foreman or his designate may, after having given reasonable notice to the Consumer, enter onto the Property, and take any action necessary to protect, test or regulate the use of the Water Meter including setting or altering the position of the Water Meter.
- 8.9 Notwithstanding section 8.8, the Public Works & Utilities Foreman or other Designated Officer may rely upon the provisions of section 544 of the *Municipal Government Act* to

seek Court authority to enter and inspect a Water Meter without notice, where the CAO or other Designated Officer believes that a Water Meter has been tampered with.

- 8.10 For the purpose of testing water quality on a periodic basis, the Public Works & Utilities Foreman or his designate, after having given reasonable notice to the Consumer, enter onto the Property, and take any action necessary to test the water quality. A Consumer shall not be reimbursed for any costs or charges associated with water usage associated with testing water quality.
- 8.11 A Consumer that has reasonable grounds to believe that a Water Meter is not operating correctly, or is damaged or broken, shall immediately notify the Town of the condition, the location of the Water Meter and the estimated length of time that the Water Meter has been inoperable, damaged or broken.
- 8.12 Water Meters may be removed by the Town for the purpose of maintenance and testing on a periodic basis. The Town may require that a Water Meter be tested on site, or that the Water Meter be removed from the Property for the purpose of testing.
- 8.13 A Consumer may request that the Town test a Water Meter located on the Consumer's Property. If the Water Meter is found to be measuring correctly within three (3) per cent of the actual amount of flow as determined by the Town, the Consumer shall pay the testing fee as set out in Schedule "B" of this Bylaw. Where the Water Meter is registering in excess of three (3) per cent accuracy, the Consumer shall not be charged for the cost of testing the Water Meter.
- 8.14 A Town employee who is charged with reading a Water Meter may enter the Property of a Consumer on a periodic basis for the purpose of reading the Water Meter.
- 8.15 Where the Town employee charged with reading a Water meter, is unable to access the Property of a Consumer, the employee may leave a card at the Property advising of the need to conduct a Water Meter reading, and requesting the Consumer notify the Town of the Water Meter reading within a time period specified.
- 8.16 In the event that a Consumer refuses to allow a Water Meter to be read or fails to provide a Water Meter reading as requested by the Town, for a period in excess of three (3) months, the CAO, may direct that the Water Service to the Property be shut off, after providing forty-eight hours written notice of the Consumer.
- 8.17 Where the Town is unable to obtain a Water Meter reading, or where a Water Meter fails to properly register the volume of water consumed within a Property, the amount of water consumed during the time period in which the Town has been unable to obtain a Water Meter reading or the Water Meter has failed to properly register, may be estimated by the CAO or his designate based on the average daily consumption for the Property for a period of three (3) months, if known or, in the event that such information is not available, on the basis of the average daily consumption over a three (3) month period, for a comparable Property within the Town.
- 8.18 No Person shall construct or alter a Service Connection so as to bypass a Water Meter.
- 8.19 Where a Water Meter is installed without the authority of the Town, or stolen, the Owner of the Property in which the Water Meter is or was located shall be responsible for paying the replacement cost of the Water Meter, including installation. Where costs pursuant to this section are not paid within sixty (60) days of the date on which the Owner is notified of the amount owing, the costs may be added to the tax roll of the Property pursuant to the *Municipal Government Act*.

8.20 No Person shall interrupt, interfere or tamper with the operation of a Water Meter, reading device or seals placed by the Town on Water Service components, including but not limited to removal of a Water Meter head.

8.21 An Owner, at his own cost, may install a Secondary Water Meter between the Water Meter supplied by the Town and the point of use of the water supplied, upon receipt of written approval from the Town and shall in no manner interfere with the Water Meter installed by the Town. All secondary Meters shall be owned and maintained by the Owner. An Owner shall immediately relocate a secondary Water Meter upon request of the CAO or his designate, if in the opinion of the CAO or his designate, the secondary Water Meter is interfering in the operation of the Water Meter supplied by the Town.

9. WATER SERVICE

9.1 No Person shall connect, cause to be connected or permit a Cross-Connection to the Water Service, or allow an existing Cross-Connection to remain.

9.2 Where a Designated Officer suspects that a Cross-Connection exists in contravention of section 9.1, the Designated Officer may carry out an inspection:

(a) upon reasonable notice to the Consumer; or

(b) without notice to the Consumer, where the Designated Officer has reasonable grounds to believe, in his sole discretion, that an immediate threat of contamination exists so as to pose a danger to public safety.

9.3 No Person shall open a Curb Cock to provide Water Service to the occupants of any newly renovated, constructed or reconstructed Property, until the Service Connection and plumbing in the Property has been inspected for Cross-Connections and approved by a Designated Officer and the appropriate *Safety Codes Act* Officer.

10. DISPOSAL AND USE OF WATER

10.1 No Person shall allow water whether from the Water Service or an alternative source of water, to run off the Property such that there is:

(a) an excessive stream of water, as determined in the sole discretion of a Designated Officer, running into a street or swale for a distance of 30 metres or more from the property line of the Property;

(b) an excessive Stream of water, as determined in the sole discretion of a Designated Officer, running into a street or swale and directly into a catch basin, or

(c) an excessive stream or spray of water, as determined in the sole discretion of a Designated Officer, running into or falling onto a street.

10.2 Except as otherwise provided for in this Bylaw, no Person shall use water:

(a) in an illegal manner;

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

(c) unless an account for Water Service has been opened if the Property is connected to the Water Main; and

(d) unless the water first passes through a Water Meter, if the Property is connected to the Water Main unless otherwise approved in writing by the Town and may include new construction.

10.3 The Town may, upon finding an unauthorized use of water, including the tampering with a Water meter, Service Connection or Water Main or any part of the Water Service, take corrective measures to repair or remedy the unauthorized use.

10.4 Any Person who contravenes section 11.3 may be responsible for all charges for water consumed in accordance with the water rates set out in this Bylaw and all charges incurred by the Town in repairing or remedying the unauthorized use pursuant to section 11.3.

11. FROZEN WATER LINES

11.1 A Consumer, Owner or occupant of the Property shall be responsible for the costs associated with frozen water lines, including but not limited to, thawing the line or repairing the line when the portion of the line frozen is between the property line and the Water Meter or when, although the location of the frozen line is between the Water Main and the property line, in the opinion of the CAO, was caused by the actions or results of the Consumer, Owner or occupant.

11.2 An Owner shall be responsible to keep all Water Meters free of frost and shall be responsible for the costs associated with any damage to the Water Meter caused by allowing frost accumulate on or in the Water Meter.

12. AUTHORITY TO RESTRICT OR SHUT OFF WATER SERVICE

12.1 Where Town Council determines that there is a water shortage, Town Council may declare that water restrictions are in effect, and shall provide notice to the public of such restrictions by means of advertising the restriction in a local newspaper of general circulation in the Town, or by delivery of written notice to the affected residences and businesses, at least forty eight (48) hours prior to the date on which the water restrictions are to go into effect.

12.2 Where water restrictions have been declared in effect pursuant to this Bylaw, no person shall:

(a) wash any vehicle;

(b) wash the exterior of any house or other building; or

(c) water any lawn, garden or exterior vegetation except in accordance with a watering schedule as adopted by Resolution of Council.

12.3 Where water restrictions have been declared in effect pursuant to this Bylaw, no Consumer shall use water in excess of such limits as may be imposed by Resolution of Council for the duration of the time period in which the water restrictions are in effect.

12.4 The CAO or his designate may discontinue the provision of Water Service to a Consumer, where the CAO or his designate has reasonable grounds to believe that the Consumer has violated the water restrictions in force.

12.5 Where a Person:

(a) has constructed or altered a Service Connection so as to bypass a Water Meter;

- (b) has abandoned or appeared to abandon the Property;
- (c) fails to comply with the provisions of this Bylaw;
- (d) has undertaken any activity which puts the integrity of the Town's Water Utility at risk; or
- (e) where there is an emergency situation,

the CAO or his designate may, in addition to any other remedy available pursuant to this Bylaw, order that the Water Service to the Property be shut off until such time as the Person has complied with their duties and obligations pursuant to this Bylaw.

13. HYDRANTS

- 13.1 No Person shall, in any manner, obstruct free access to any hydrant, valve or Curb Cock.
- 13.2 All Persons who own Property on which a hydrant is located or Property which is adjacent to Property on which a hydrant is located:
 - (a) shall maintain a one and ½ (1.5) metre clearance on each side of the fire hydrant on which the ports are located, and clear from the Hydrant to the adjacent roadway, easement or municipal right of way; and
 - (b) shall not permit anything to be constructed, erected, placed or planted within the required setbacks provided in subsection 14.2(a) above without first receiving written permission from the CAO
- 13.3 Where a hydrant is obstructed contrary to section 14.2, a Designated Officer may direct the Owner, Occupant or Person responsible for the obstruction, or any or all of them, to remove the obstruction in the manner directed by the Designated Officer.
- 13.4 Where a Person fails to remove an obstruction as directed by a Designated Officer, the Designated Officer may have the obstruction removed at the expense of the Owner, Occupant or Person responsible for the obstruction, and the Town may recover any expenses or costs incurred in accordance with the provisions of the *Municipal Government Act*.
- 13.5 Except where authorized by the CAO or his designate, no Person shall open, operate, alter or remove any Curb Cock, access cover, valve or hydrant or draw water from any hydrant.

14. ACCOUNTS

- 14.1 No Person shall construct or install any manner of connection, whether on a permanent or temporary basis, to any part of the Water Service, without first having submitted an application for Water Service and opening an account with the Town for Water Service.
- 14.2 No Account can be transferred to any Occupant or opened in the name of any Person except the Owner.
- 14.3 All Consumers receiving Water Service pursuant to the provisions of this Bylaw, shall pay the required charges, levies and fees set out in Schedule "B" to this Bylaw.
- 14.4 The Town may prepare and issue invoices for Water Service supplied to Consumers on a monthly basis, unless an alternate billing period had been agreed to between the Consumer and the Town in writing.

- 14.5 The invoices prepared and issued by the Town pursuant to section 15.4, may include all services for which fees and charges apply, including but not limited to Water Service, Sewer Service and garbage disposal, provided by the Town to the Consumer. If the Town includes the fees and charges for more than one service on a single invoice, the invoice shall provide information on the fees and charges due by the Consumer for each service.
- 14.6 Water Service charges issued pursuant to this Bylaw to a Consumer shall be issued to the address for service provided by the Consumer at the time of the application for Water Service and shall be deemed to have been received seven (7) days of the date of mailing.
- 14.7 The Consumer shall remit the applicable Water Service charge issued pursuant to section 15.5 to the Town within thirty (30) days of the last day of the billing period for which the Water Service charge was issued. In the event that the end of the thirty (30) day period is not a business day, Water Service charges must be remitted no later than the next business day.
- 14.8 A Consumer is not relieved from paying the applicable Water Service charge by reason of non-receipt of an invoice for that charge. A Consumer who does not receive an invoice for an applicable billing period shall contact the Town as soon as the Consumer is aware, or ought to have been aware, that the Water Service charge has become due and payable.
- 14.9 Water Service charges which are not paid within the thirty (30) day period set out in section 15.7, may be subject to a late penalty as set out in Schedule "B" of this Bylaw.
- 14.10 A Consumer, who wishes to discontinue receiving Water Service as a result of that Consumer's intention to vacate the Property, shall provide the Town with prior written notice on a form prescribed by the Town, of the intention to discontinue the service.
- 14.11A Consumer who fails to provide written notice pursuant to section 15.10, shall be liable for those charges in relation to the provision of Water Service to the Property, notwithstanding that the Consumer no longer occupies the Property, that accrue up to the date that notice is provided by the Consumer pursuant to section 15.10.
- 14.12A Consumer may be required to pay a disconnection fee as prescribed under Schedule "B" of this Bylaw, for the disconnection of the Property from the Water Service.

15. OFFENCES

- 15.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in Schedule "A" herein.
- 15.2 Notwithstanding section 16.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence is liable to the increased penalty as set out in Schedule "A" herein.
- 15.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

16. VIOLATION TAGS

- 16.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 16.2 A Violation Tag shall be served:

- (a) upon the Person personally, or by leaving it with the Person on the Property who has the appearance of being at least eighteen (18) years of age; or
- (b) in the case of a corporation or partnership, by serving the Violation Tag personally upon the Corporate Secretary or other Officer, or Person apparently in charge of a branch office, by mailing a copy to such Person by registered mail.

16.3 A Violation Tag shall be in a form approved by the CAO, and shall state:

- (a) the name of the Person to whom the Violation Tag is issued;
- (b) a description of the Property upon which the offence has been committed, if applicable;
- (c) a description of the offence and the applicable Bylaw section;
- (d) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
- (e) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
- (f) any other information as may be required by the CAO.

16.4 Where a Violation Tag has been issued pursuant to section 17.1, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office, the penalty specified on the Violation Tag.

16.5 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedures Act* to the Person to whom the Violation Ticket was issued.

17. VIOLATION TICKET

17.1 Notwithstanding section 17.5, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Bylaw Enforcement Officer has reasonable ground to believe has contravened any provision of this Bylaw.

17.2 A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedures Act*.

17.3 The Person to whom the Violation Ticket has been issued may plead guilty by making voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with any amount equal to the specified penalty for the offence as provided by this Bylaw.

17.4 Where a Clerk of the Court records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

18. SEVERABILITY

18.1 Should any provision of this Bylaw be invalid, then the invalid provision shall be severed and the remainder of the Bylaw shall be maintained.

19. COMING INTO FORCE

19.1 Bylaw No's. 542, 544, 561, 587, 613, 630, 636, 775, 779, 782, 30-81, 37-82, 1-83, 24-83, 28-83, 3-84, 9-85, 13-85, 19-85, 3-87 are hereby repealed.

19.2 This Bylaw shall come into force and effect on July 1, 2011.

READ for a first time this 27th Day of September, 2010 A.D.

READ for a second time this 13th Day of December, 2010 A.D.

READ for a third time this 13th Day of December, 2010 A.D.

RICHARD N. COLEMAN
MAYOR

JODY QUICKSTAD
TOWN MANAGER

Schedule “A” – Fees and Penalties

<u>Offence</u>	<u>Section</u>	<u>Penalty</u>
Remove, operate, connect to or alter any any portion of the Water Service	3.6(a)	\$500.00
Use the Water Service in any manner that causes any interference or disturbance to any other Consumer’s use of the Water Service	3.6(b)	\$250.00
Obstruct or impede free and direct access	3.6(c)	\$250.00
Install or allow to be installed any temporary or permanent structures	3.6(d)	\$250.00
Service Connection connecting more than one property	7.1	\$500.00
Installing, testing, removing, repairing, replacing or disconnecting a Water Meter without authority	8.7	\$500.00
Construct or alter a service connection to bypass a Water Meter	8.18	\$500.00
Interrupt, interfere or tamper with Water Service components	8.20	\$500.00
Connect, cause to be connected or permit a cross connection	9.1	\$500.00
Open a Curb Cock to provide Water Service	9.3	\$500.00
Allow water to run off property so there is		
• a stream of water running into street or swale	10.1(a)	\$50.00
• a stream directly into a catch basin	10.1(b)	\$50.00
• stream or spray running into or falling onto street	10.1(c)	\$50.00
Use water		
• in an illegal manner	10.2(a)	\$100.00
• impede its use by others	10.2(b)	\$100.00
• connected to Water Main without account	10.2(c)	\$500.00
• that does not pass through Water Meter	10.2(d)	\$500.00
Where water restrictions are in place		
• wash any vehicle	12.2(a)	\$250.00
• wash the exterior of any house or other building	12.2(b)	\$250.00
• water lawn or garden	12.3(c)	\$250.00
Obstruct free access to any hydrant, valve or Curb Cock	13.1	\$500.00
Consumer fails to pay all charges and rates	14.9	2.5% of outstanding balance
Second or subsequent offence within 1 year	15.2	Double