



**VILLAGE OF CONSORT
BYLAW A798**

BEING A BYLAW OF THE VILLAGE OF CONSORT IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE MANAGEMENT AND REGULATION OF THE WATER AND SEWER SYSTEM.

WHEREAS, under the authority of the Municipal Government Act, RSA 2000, cM-26 and amendments thereto, all waterworks, sanitary sewers, drains and sewage disposal works belonging to the Village of Consort now laid down, constructed or built, or hereinafter laid down, constructed or built, shall be under the direct control and management of the Village;

AND WHEREAS the Council of the Village of Consort considers it desirable to regulate the usage of waterworks and sewer services and provide for the collection of water and sewer services charges;

NOW THEREFORE the Council of the Village of Consort in the Province of Alberta, duly assembled, hereby enacts as follows:

1. **Short Title**

- a) This Bylaw may be cited as the "Water & Sewer Bylaw".

2. **Definitions**

- a) **"Account"** means an account created pursuant to this Bylaw relating to the provisions of water and sanitary sewer service;
- b) **"Arrears"** means an amount outstanding on a utility bill on the day after the noted due date;
- c) **"Authorized Person"** means any employee of the Village of Consort authorized by the CAO for the purpose of providing sewer and/or water service or dealing with sewer and/or water service in any such manner as deemed necessary;
- d) **"Backflow Protection"** means any equipment that the Village deems necessary to prevent cross contamination;
- e) **"Builder:** means any owner, agent, contractor or any person, firm or company required to obtain a development permit and as described in the Village's Land Use Bylaw and its amendments;
- f) **"Bylaw Enforcement Officer"** means a Bylaw Enforcement Officer appointed by Council and includes a member of the RCMP, and when authorized a Community Peace Officer;
- g) **"CAO"** means the Chief Administrative Officer for the Village or his/her designate, regardless of the specific title that may be conferred on that Officer by Council from time to time;

- h) **"Consumer"** means any Person who has entered into a contract with the Village for the provision of water or sanitary sewer service or who is the owner of any property connected to or provided with water and/or sanitary sewer service;
- i) **"Council"** means the duly elected council for the Village of Consort;
- j) **"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;
- k) **"Curb Cock"** means a valve located on the municipality 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";
- l) **"Designated Officer"** means the CAO, Public Works Foreman, Bylaw Enforcement Officer or any other individual designated by Council to be a Designated Officer for the purposes of enforcing the provisions of this Bylaw;
- m) **"Domestic Wastewater"** means waste produced on residential premises, or sanitary waste and wastewater from sanitary facilities produces on a non-residential property;
- n) **"Hauled Wastewater/Waste"** means any waste which is transported to and deposited into any location in the wastewater works, including waste removed from a residential wastewater system, (Cesspool, septic tank, waste privy vault or privy pit, chemical toilet, portable toilet or wastewater holding tank);
- o) **"Industrial"** means of or pertaining to manufacturing, commerce, trade, business or institutions as distinguished from domestic or residential;
- p) **"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;
- q) **"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;
- r) **"Owner"** means
 - i. Any person registered as the Owner of the Property under the *Land Titles Act*;
 - ii. Any person who is recorded as the Owner on the property on the assessment roll of the Village;
 - iii. 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;
- iv. 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
 - v. Any person in control of property under construction;
- s) **"Person"** means a corporation, partnership, individual, or owner and the heirs, executors, administrators or other legal representative of an individual;
 - t) **"Pretreatment"** means the reduction, elimination or alteration of pollutants in wastewater prior to discharge into the sanitary sewer system. This reduction or alteration can be obtained by physical, chemical, or biological processes, through pollution prevention, or by other means, except by diluting the concentration of the pollutants;
 - u) **"Private Drainage System"** means a privately owned assembly of pipes, fittings, fixtures, traps and appurtenances, including a service connection, attached to a premise or building that is used to convey wastewater into the sanitary sewer main;
 - v) **"Property"** means land, buildings, excavations, stockpiles, structures and appurtenances, or any personal property located thereupon within the Village;
 - w) **"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;
 - x) **"Sanitary Sewer Main"** means those pipes, wires or other apparatus installed for the disposal of wastewater within the Village to which a service connection may be connected;
 - y) **"Sanitary Sewer Service"** means the utility service to remove wastewater from a private drainage system located on property within the Village through a service connection to the sanitary sewer main and to a treatment facility;
 - z) **"Service Connection"** means the part of the system or works of a utility that runs from the water main or sanitary sewer main of the utility to a building or other place on a parcel of land for the purposes of providing water service or conveying wastewater to/from the parcel and includes parts and works such as the pipes, wires, couplings, meters and other apparatus;
 - aa) **"Stop Valve"** means a valve located on the owners portion of the water service connection, located on the inflow side for the purposes of enabling the owner to turn on or shut off the supply of water to the property;
 - bb) **"Village"** means the Village of Consort;

- cc) **“Utility”** means the system or works of a public utility operated by or on behalf of the Village;
- dd) **“Violation Tag”** means a tag or similar document issued by the Village pursuant to the *Municipal Government Act*.
- ee) **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;
- ff) **“Water Main”** means those pipes, wires or other apparatus installed for the delivery of water within the Village to which a service connection may be connected;
- gg) **“Water Meter”** means any device supplied, used or authorized by the Village for the purpose of measuring the volume of water consumed on a property;
- hh) **“Water Service”** means the utility provided by the Village to provide water to the property located within the Village through a water main to a service connection;
- ii) **“Wastewater”** means a combination of water and water-borne wastes from residences, business buildings, institutions, industries and other establishments and such ground, surface and storm waters as may be directed into the sanitary sewer service;
- jj) **“Wastewater Treatment Facility”** means any structure or thing used for the physical, chemical, biological or radiological treatment of wastewater and includes lagoons, sludge treatment, wastewater storage and disposal facilities.

3. **Utility Service**

- a) The Village shall, in accordance with the terms and conditions prescribed in this Bylaw, be responsible for the operation and management of all water service and sanitary service facilities and equipment utilized for the distribution of water or utilized for wastewater collection, treatment and disposal on Village lands.
- b) The use and control of the water and sanitary sewer service shall be in accordance with this Bylaw.
- c) The water service and sanitary sewer service located on Village lands shall be under the direct control and management of the CAO, subject to the provisions of this Bylaw and all applicable policies of the Village.
- d) The Village shall supply water and sanitary sewer service so far as there is sufficient capacity and the property is adjacent to a water main or sanitary sewer main, upon such terms, costs or charges as established by Council.
- e) The Consumer shall:
 - i. Pay all charges and rates for water and sanitary sewer services provided by the Village in accordance with this Bylaw;

- ii. Adhere to the requirements of this Bylaw;
 - iii. 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 or sanitary sewer services located on the Consumer's property unless the destruction or damage is caused by the act of an agent or employee of the Village, and shall be liable for any destruction of or damage to the sanitary sewer service owned by the Village if such destruction or damage is a result of a blockage, freezing, lack of maintenance or negligence caused by the Consumer;
 - iv. Not extend a service from one lot to another without the prior written consent of the Village; and
 - v. At the request of the Village, grant, or cause to be granted to the Village, such easements or right-of-ways over, upon or under the property owned or controlled by the Consumer as the Village reasonably requires for the construction, installation, maintenance or repair, inspection and operation of the facilities required for the water or sanitary sewer service to the Consumer, and for the performance of all other obligations required to be performed by the Village to maintain the water or sanitary sewer service.
- f) No person shall:
- i. Remove, operate, connect to or alter any portion of the water or sanitary sewer service owned by the Village, except as authorized by the Village, and in accordance with the standards and policies established by the Village. A Consumer shall be responsible for all damage to the water or sanitary sewer service resulting directly or indirectly from a breach of this section;
 - ii. Use the water or sanitary sewer service in any manner that causes any interference or disturbance to any other Consumer's use of the water or sanitary sewer service;
 - iii. Obstruct or impede free and direct access to the water service, water main, curb stop, sanitary sewer service, sanitary sewer main, or any other aspect of the sanitary sewer service or water service;
 - iv. Install or allow to install any temporary or permanent structures or objects that could interfere with the property and safe maintenance and operation of the water or sanitary sewer service or result in any damage to the water or sanitary sewer service;
- g) The Village shall, so far as is reasonably possible, endeavor to provide regular and uninterrupted operation of the water and sanitary sewer service. However, breaks to water main and other facilities are inherent to the normal operation of the water service and blockages and failures to the sanitary sewer mains and other facilities are inherent to the normal operation of a utility and may result in interruptions to the sanitary sewer service.

4. **Right of Entry**

- a) 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 the Bylaw, the *Municipal Government Act*, or any other statute.

- b) 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.
- c) Notwithstanding section 4.1 and 4.2, A Designated Officer may enter and have access to all parts of a property in which a water or sanitary sewer service is provided by the Village, or intended to be provided by the Village, at any reasonable hour for:
 - i. The purpose of constructing, repairing, maintaining or inspecting the system or works of the water or sanitary sewer service, including but not limited to the water main, sanitary sewer main, the service connection, or the water meter;
 - ii. Reading water meters, where the owner or occupant has provided written permission for the Village to inspect the meter at any time; or
 - iii. Investigating a Consumer complaint or query where the Owner or Occupant has provided verbal permission for the Village to investigate the complaint, including entering the property at any reasonable time.
- d) The Designated Officer will make reasonable efforts to notify the Owner or Occupant of when he/she intends to enter the property, or other person who is at the property and appears to have sufficient authority to permit entry except:
 - i. In case of emergency;
 - ii. Where entry is permitted under Order of the Courts; or
 - iii. Where entry is authorized under a statute or other enactment.

5. **Liability of The Village**

- a) The Village 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 the water or sanitary sewer service by the Village to Consumers, howsoever caused, including that which is caused by or related to:
 - i. The break, blockage, stoppage or failure of any portion of the water or sanitary sewer service within the Village;
 - ii. The interference with, or cessation of water or sanitary sewer service in connection with repair or proper maintenance of the water or sanitary sewer service;
 - iii. Directly or indirectly as a result of the Village approving any service connection; or

- iv. Accident or incident due to the operation of the water or sanitary sewer service, unless such costs or damages have been shown to be directly due to an act of bad faith, gross negligence or willful misconduct of the Village or its employees, agents or other authorized representative;
- b) All limitations, protections and exclusions of liability contained in any provincial or federal legislation shall be applicable to the Village.

6. **Application for Water or Sanitary Sewer Service**

- a) Any person who requires water or sanitary sewer service shall make an application to the Village on such form as utilized by the Village from time to time and shall pay to the Village the applicable application fee as set out in the Master Rates Bylaw adopted by the Village Council and amended from time to time.
- b) 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's authorized agent makes the request in writing, a duplicate utility billing under the account may be submitted directly to the tenant of the property as identified by the Owner in writing.
- c) There shall be a separate water service account for each water meter located on a property. There shall be a separate sanitary sewer service account for each property.
- d) 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.
- e) 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**

- a) A service connection for water service shall only connect one property to the water main, unless a written agreement with the Village authorizes more than one property to be connected to the water main through a single service connection.
- b) No service connection shall be connected to the water main unless prior approval has been granted by the Village.
- c) No person shall use any alternate source of water supply other than the water system without the written consent of the Village of Consort.
- d) 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.

- e) The Village shall at all times, remain the owner of that portion of the service connection between the Village's water main and the property line of the road or boundary of an easement granted to the Village for its water utility, notwithstanding that the Village's portion of the service connection may have been constructed by, or its construction funded by, some person other than the Village.
- f) 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 Village, and located between the Village water main and the property line.
- g) As a condition of receiving water from the Village's water main. 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 Village's water main to water supply outlets or fixtures located on or within the property.
- h) 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.
- i) 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.
- j) Water service shall not commence until the Village has received copies of all required approvals under the *Safety Codes Act* and all required inspection reports.
- k) Water service shall not be commenced or discontinued without prior approval of the Village.
- l) 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 Village may;
 - i. 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 Village; and

- ii. 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.
- m) Payment for the amount of water lost pursuant to subsection 7k) ii shall become due and payable upon receipt of a demand, in writing from the Village, and may be recovered from the owner in accordance with the terms of this Bylaw and the *Municipal Government Act*.
- n) Where an obstruction exists between the water main and the outlets on or within a property, the Village 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, then owner of the property shall be solely responsible for the costs of investigation of the cause and the repairs to the service connection.
- o) On any new water service connection the owner shall supply and install a stop valve, of an approved patten by the Village, on every service connection on the in flowing side of the water main, and the owner shall install the Village supplied curb cock one (1) inch below the finished landscaped surface and keep the area clear of all obstructions.
- p) Every service connections shall have an accessible curb stop or stop valve at the property boundary between the water main and the water meter.
- q) Upon request, the Village shall provide to the owner, information on the method and manner of installing the service connection and associated apparatus.
- r) When a service connection for water service is no longer required, the owner shall obtain written permission from the Village to disconnect from the water main. The owner shall disconnect in compliance with the direction of the Village relative to the method and location and shall bear all responsibility and costs associated with the disconnection.

8. Connection to Sanitary Sewer Main

- a) For a property that contains four dwelling units or less, a service connection for sanitary sewer service shall only connect one dwelling unit to the sanitary sewer main, unless a written agreement with the Village authorizes more than one dwelling unit to be connected to the sanitary sewer main through a single service connection.
- b) For a property that contains more than four dwelling units, the Village shall prescribe the terms, conditions and standards for the service connection to the sanitary sewer service.
- c) No service connection shall be connected to the sanitary sewer main unless prior approval has been granted by the Village.

- d) Service connections located within the property 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.
- e) The Village shall, at all times remain the owner of that portion of the service connection between the Village's main line and the property lines of the road or boundary of an easement granted to the Village for its sanitary sewer system, notwithstanding that the Village's portion of the service connection may have been constructed by, or its construction funded by, some person other than the village.
- f) Nothing in this bylaw shall be interpreted as preventing the Development Authority from imposing as a condition of subdivision and development approval to pay for the cost of installation of a portion of the sanitary sewer system necessary to service the lands subject to the application, including the sanitary sewer main and those portions of the service connection owned by the Village, and located between the Village's sanitary sewer main and the property line on the road or easement boundary.
- g) As a condition of receiving sanitary sewer service from the Village, the owner shall maintain in a state of good repair, free from leakage or other forms of loss, with sufficient protection from freezing, all parts of the service connection to the satisfaction of the CAO or his/her designate, through which wastewater is conveyed from outlets or fixtures located on or within the property to the sanitary sewer main.
- h) All components of the service connection located within the boundaries of a property shall be constructed to the same standard and with same or equivalent materials as the service connection located between the sanitary sewer main and the property boundary and in compliance with the *Public Health Act*, and *Safety Codes Act*, unless the use of alternative materials has been approved by the CAO or his/her designate.
- i) Prior to constructing a service connection, the owner shall obtain all necessary municipal and provincial approvals, including a development permit and Safety Codes Permit and shall not backfill the excavation until the work has been inspected or approved by the appropriate Designated Officer.
- j) Sanitary sewer service shall not commence until the Village has received copies of all required approvals under the *Safety Codes Act* and all required inspection reports.
- k) Where an obstruction exists between the sanitary sewer main and the outlets on or within a property;
 - i. The Village 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, in the Village's sole determination, to be located between the sanitary sewer main and the boundary line of the property and the obstruction is unrelated to the

- failure, omission or negligence of the owner, an occupant, or guest of an owner or occupant, to strictly comply with the provisions of this Bylaw; and
- ii. Where the obstruction is determined, in the Village's sole determination. To be located inside the boundary line of the property, or is outside the property boundary line and is a result of the failure, omission or negligence of the owner, an occupant, or guest of an owner or occupant as described in section 8k)I, the owner of the property shall be solely responsible for the cost of investigation of the cause and the repairs to the service connection.
- l) The Village shall not be liable for damages caused by any blockage or damage cause by tree roots infiltrating from the sanitary sewer main or a service connection where roots originate from trees not on Village property.
 - m) Private drainage systems shall be:
 - i. Installed to the service connection by the owner of the property to be serviced;
 - ii. Installed at the sole expense of the owner; and
 - iii. Installed only upon issuance of a permit from the Village authori8zing the installation.
 - n) An owner shall install a backflow valve, of an approved pattern by the Village, on every service connection to prevent wastewater backup into the premise from the sanitary sewer main.
 - o) Upon request, the Village shall provide to the consumer, information on the method and manner of installing the service connection and associated apparatus.
 - p) When a service connection from a sanitary sewer service is no longer required, the owner shall obtain written permission from the Village to disconnect from the sanitary sewer main. The owner shall disconnect in compliance with the directions of the Village relative to the method and location and shall bear all responsibility and costs associated with the disconnection.

9. **Water Meters and Water Readings**

- a) Unless otherwise approved by Council, all water supplied to a consumer through the Village's water service shall pass through a water meter approved and supplied by the Village, at the sole expense of the owner.
- b) All consumers shall have a water meter connected to the water service, and shall pay to the Village all regular billing charges whether an alternative source of water is used or not.
- c) One water meter shall be supplied, installed and maintained by the Village, 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.

- d) All water meter supplied to an installed by a consumer shall, at all times, remain the property of the Village, notwithstanding that the consumer may have paid an installation fee or any other charge for the provision or installation of the water meter.
- e) All water meters shall be installed in accordance with the Village specifications and standards.
- f) 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 Village. The cost of installation or removal shall be that amount set out in the Village's most recent Master Rates Bylaw and/or amendments.
- g) No person other than the Public Works foreman or his/her 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 the Public works Foreman.
- h) For the purpose of protecting, testing or regulating the use of any water meter, the Public works Foreman or his/her 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.
- i) Notwithstanding section 9h), the Public Works 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 and other Designated Officer believes that a water meter has been tampered with.
- j) For the purposes of testing water quality on a periodic basis, the Public Works Foreman and his/her designate, after given reasonable notice to the consumer, enter onto 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.
- k) A consumer that has reasonable grounds to believe that a water meter is not operating correctly, or is damaged, shall immediately notify the Village of the condition, the location of the water meter and the estimated length of time that the water meter had been inoperable, damaged or broken.
- l) Water meters may be removed by the Village for the purpose of maintenance and testing on a periodic basis. The Village 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.
- m) A consumer may request that the Village test a water meter located on the consumer's property. If the water meter is found to be measuring

within three (3) per cent of the actual amount of flow as determined by the Village, the consumer shall pay the testing fees as set out in the most recent Village Master Rates Bylaw or amendments. Where the water meter is registering in excess of three (3) percent accuracy, the consumer shall not be charged for the cost of testing the water meter.

- n) A Village 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.
- o) Where the Village 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 Village of the water meter reading within a time period specified.
- p) 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 Village, 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 (48) HOURS** written notice to the consumer.
- q) Where the Village 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 period in which the Village 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/her 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 Village.
- r) No person shall construct or alter a service connection so as to bypass a water meter.
- s) Where a water meter is installed without the authority of the Village, 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*.
- t) No person shall interrupt, interfere or tamper with the operation of a water meter, reading device or seals placed by the Village on water service components, including but not limited to removal of a water meter head.
- u) An owner, at his own cost, may install a secondary water meter between the water meter supplied by the Village and the point of use of the water supplied, upon receipt of written approval from the Village and shall in no manner interfere with the water meter installed by the Village. 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/her designate, if in the opinion of the CAO or his/her designate, the secondary water meter is interfering in the operation of the water meter supplied by the Village.

10. **Use and Protection of the Wastewater System**

- a) No person shall discharge, cause or permit to be discharged into the sanitary sewer service any matter or wastewater;
 - i. In contravention of any federal, provincial or municipal legislation;
 - ii. Which would interfere with the proper operation of the sanitary sewer service;
 - iii. Which may impair or interfere with the treatment process; or
 - iv. May result in a hazard to persons, property or animals.Unless otherwise authorized in this Bylaw or in writing by the Village.
- b) No person shall throw, deposit or leave any cloth, fabric, garbage, litter, refuse, plastic, manure, rubbish, sweepings, sticks, stones. Bricks, earth, gravel, dirt, mud, haw, straw, twigs, leaves, paper, ashes or non-dissolving paper products, including but not limited to feminine hygiene products, on or in any part, component or appurtenances of the sanitary sewer service main.
- c) No person shall discharge into the sanitary sewer main or a service connection;
 - i. Hazardous waste or other liquids which may detrimentally effect the sanitary sewer service;
 - ii. Any substance which may impact the flow through the sanitary sewer main or service connection;
 - iii. Chemical refuse, trade waste, waste stream, or any liquids whose temperature is one hundred seventy (170) degrees Fahrenheit or over;
 - iv. Flammable or explosive material;
 - v. Roof drainage; or
 - vi. Cistern or tank overflows.
- d) No person shall discharge into the sanitary sewer main or a service connection the contents of a;
 - i. Privy vault;
 - ii. Manure pit; or
 - iii. Cesspoolexcluding hauled wastewater from an authorized domestic wastewater hauler or from a certified recreational vehicle at an approved dumping station.
- e) Any person who releases or, permits to be released or witnesses the release into the sanitary sewer main or a service connection any wastewater or matter prohibited from entering the sanitary sewer main or a service connection, shall immediately upon becoming aware of the release notify;
 - i. The CAO or his/her designate;
 - ii. The owner of the property' and

- iii. Any other person who the reporting person know or ought to know may be directly affected by the release.
- f) When notifying the CAO pursuant to section 10e), the notifying person shall provide the following information;
- i. Name of the company or person who caused the release, if known;
 - ii. Location of the release;
 - iii. Name and contact information of the notifying person;
 - iv. Approximate time of the release;
 - v. Types of materials released;
 - vi. Volume of material released; and
 - vii. Corrective action being taken or anticipated to be taken to control the release.
- g) Unless authorized by the Village, no person shall turn, lift, remove, raise or tamper with any component of the sanitary sewer service, including but not limited to lift stations, manholes. Ventilators or other appurtenances.
- h) Unless authorized by the Village, no person shall cut, break, pierce or cap the sanitary sewer main or an approved service connection.
- i) Unless authorized by the Village, no person shall interfere with the free discharge of any sanitary sewer main or part thereof, or do any act or thing which may impeded or obstruct the flow from the sanitary sewer main or service connection.

11. **Industrial of Trade Waste**

- a) Notwithstanding any other section of this Bylaw, no person shall directly discharge any waste resulting from trade, industrial or manufacturing processes into the sanitary sewer main or a service connection, unless prior written approval has been obtained from the Village.
- b) The Village may prescribe the required pretreatment of any waste, prior to granting approval pursuant to section 11a).
- c) The owner or holder of the approval granted pursuant to section 11a) shall complete the required pretreatment of the waste prior to discharging the same into the sanitary sewer main or service connection, and shall install and maintain all required pretreatment equipment at their own cost and expense.

12. **Grease Traps**

- a) All non-residential food preparation facilities including all industrial, commercial or institutional premises where food is cooked, processes or prepared shall have installed grease traps of a sufficient size to ensure that oil and grease are prevented from entering the sanitary sewer service and of a design approved by the Village, on all fixtures connected to a service connection.

- b) The grease traps shall be installed in accordance with all applicable Federal and Provincial legislation and maintained at the owner's sole cost and expense.
- c) All grease traps shall be maintained according to the manufacturer's recommendations and shall be cleaned before the thickness of the organic material and solid residuals is greater than twenty-five (25%) percent of the available volume, cleaning frequently shall not be less than every four (4) weeks. Maintenance requirements shall be posted in the workplace in proximity to the grease trap.
- d) A maintenance schedule and record of maintenance shall be available to the CAO or his/her designate upon request for each interceptor installed.
- e) The owner of all non-residential use food preparation facilities including all industrial, commercial or institutional premises where food is cooked, processed or prepared, shall, for two (2) years, keep the record of maintenance and documents related to oil and grease disposal.
- f) No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through a grease trap.
- g) In the case of failure by an owner to adequately maintain the grease trap to the satisfaction of the CAO or his/her designate, the CAO or his/her designate may require an alarmed monitoring device to be installed, at the expense of the owner.
- h) In the event that the Village, in its sole determination, finds that an owner fails to adequately dispose of oil and grease, and the Village is required to clean the service connection and/or sewer main as a result of the inadequate disposal, the owner shall be responsible for all costs and charges associated with cleaning of the service connection and/or sewer main.

13. **Grease, Oil and Sand Interceptions**

- a) All non-residential uses in which vehicles or equipment are serviced, repaired or washed, including but not limited to, garages, service stations and vehicle washing facilities shall install grease, oil and sand interceptors of sufficient size and of design approved by the Village, on all fixtures connected to a service connection.
- b) The interceptors shall be installed and maintained at the owner's sole cost and expense.
- c) All oil and grease interceptors and separators shall be maintained in good working order and according to the manufacturer's recommendations and shall be inspected regularly to ensure performance is maintained to the manufacturer's specifications for performance and inspected to ensure the surface oil and sediment levels do not exceed the recommended levels.

- d) A maintenance schedule and record of maintenance shall be submitted to the CAO or his/her designate upon request.
- e) The owner or occupant of the property, as set out in section 13a), shall for TWO (2) years, keep the maintenance record and documentation related to clean-out and oil and grease disposal.
- f) No person shall use enzymes, bacteria, solvents, hot water or other agents to facilitate the passage of oil and grease through grease, oil and sand interceptors.
- g) Where an owner or occupant has failed to adequately maintain the grease, oil and sand interceptors to the satisfaction of the CAO or his/her designate, the CAO or his/her designate may require an alarmed monitoring device to be installed, at the expense of the owner.
- h) Every owner of a property from which sediment may directly or indirectly enter the sanitary sewer service, including but not limited to property using a ramp drain or area drain and vehicle wash establishments, shall take all necessary measures to ensure that such sediment is prevented from entering the sanitary sewer service in excess of the limits prescribed by the CAO.
- i) All sediment interceptors shall be maintained in good working order and according to manufacturer's recommendations and shall be inspected regularly to ensure performance is maintained to the manufacturer's specifications for performance.
- j) A maintenance schedule and record of maintenance shall be submitted to the CAO or his/her designate upon request for each sediment interceptor installed.
- k) The owner of a property as set out in section 13i), shall, for TWO (2) years, keep the record of maintenance and documentation of sediment disposal.
- l) All interceptors installed pursuant to this section shall be located so to be easily accessible for cleaning and inspection.

14. **Water Service**

- a) 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.
- b) Where a Designated Officer suspects that a cross-connection exists in contravention of section 14a), the Designated Officer may carry out an inspection:
 - i. Upon reasonable notice to the consumer; or
 - ii. Without notice to the consumer, where the designated Officer has reasonable grounds to believe, in his/her sole discretion, that an immediate threat of contamination exists so as to pose a danger to public safety.

- c) No person shall open a curb cock to provide water 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 Code Act* Officer.

15. **Disposal and Use of Water**

- a) No person shall allow water whether from the water service or an alternate source of water, to run off the property such as there is:
 - i. 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 meters or more from the property line of the property;
 - ii. An excessive stream of water, as determined in the sole discretion of a Designated Officer, running into a street or swale into a catch basin, or
 - iii. An excessive stream or spray of water, as determined in the sole discretion of a Designated Officer, running into or falling onto a street.
- b) Except as otherwise provided for in the Bylaw, no person shall use water;
 - i. In an illegal manner;
 - ii. In a manner that will impeded its use by others;
 - iii. Unless an account for water service has been opened in the property is connected to the water main; and
 - iv. 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 Village and may include new construction.
- c) The Village 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 the unauthorized use.
- d) Any person who contravenes section 15c) may be responsible for all charges for water consumed in accordance with the water rates as set out in the Village's most recent Master Rates Bylaw and amendments and all charges incurred by the Village in repairing or remedying the unauthorized use pursuant to section 15c).

16. **Frozen Water Lines**

- a) 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 main 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.
- b) 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 accumulated on or in the water meter.

17. **Authority to Restrict or Shut off Water Service**

- a) Where the Village Council determines that there is a water shortage, Village 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 Village, 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.
- b) Where water restrictions have been declared in effect pursuant to the Bylaw, no person shall:
 - i. wash any vehicle;
 - ii. wash the exterior of any house or other building; or
 - iii. water any lawn, garden or exterior vegetation except in accordance with the watering schedule as adopted by resolution of Council.
- c) 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.
- d) The CAO or his/her designate may discontinue the provision of water service to a consumer where the CAO or his/her designate has reasonable grounds to believe that the consumer has violated the water restrictions in force.
- e) Where a person:
 - i. Has constructed or altered a service connection so as to bypass a water meter;
 - ii. Has abandoned or appeared to abandon the property;
 - iii. Fails to comply with the provisions of this Bylaw; has undertaken any activity which puts the integrity of the Village's water utility at risk; or
 - iv. Where there is an emergency situation.

The CAO or his/her 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.

18. **Hydrants**

- a) No person shall, in any manner, obstruct free access to any hydrant, valve or curb cock.
- b) All persons who own property on which a hydrant is located or property which is adjacent to property on which a hydrant is located;
 - i. Shall maintain a one and ½ (1.5) meter 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
 - ii. Shall not permit anything to be constructed, erected, placed or planted within the required setbacks provided in subsection 18b) I above without first receiving written permission from the CAO.
- c) Where a hydrant is obstructed contrary to section 18b), 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.
- d) 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 Village may recover any expenses or costs incurred in accordance with the provisions of the *Municipal Government Act*.
- e) Except where authorized by the CAO or his/her designate, no person shall open, operate, alter or remove any curb cock. Access cover, valve or hydrant or draw water from any hydrant.

19. **Accounts**

- a) No person shall construct or install any manner of connection, whether on a permanent or temporary basis, to any part of the water or sanitary sewer services, without first having submitted an application for water or sanitary sewer service and opening an account with the Village for water and sanitary sewer service.
- b) No account can transferred to any occupant or opened in the name of any person except the owner.
- c) All consumers receiving water or sanitary sewer service pursuant to the provisions of this Bylaw; shall pay the required charges, levies and fees set out in the most recent Village Master Rates Bylaw and amendments.
- d) The Village may prepare and issue invoices for water and sanitary sewer service supplied to the consumer on a monthly basis, unless an alternate billing period had between agreed to between the consumer and the Village in writing.
- e) The invoices prepared and issued by the Village pursuant to section 19e), may include all services for which fees and charges apply, including but not limited to water service, sanitary sewer service and solid waste (garbage) disposal, provided by the Village to the consumer. If the Village 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.
- f) Water and sanitary sewer 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 and

sanitary sewer service and shall be deemed to have been received seven (7) days of the date of mailing.

- g) All accounts for water, sanitary sewer and other charges shall be due and payable when rendered.
- h) All accounts remaining unpaid after the 15th day of the month following the month in which the account was rendered shall be subject to a penalty as directed by the Council in the most current Village Master Rates Bylaw and amendments and shall be added to and form a part of the account owing. All utility accounts in arrears on December 31st of any year shall be transferred to taxes on January 1st of the following year and shall be collected in any of the ways provided for the collection of taxes according to the *Municipal Government Act R.S.A. 2000, Chapter M-26* or as amended.
- i) A consumer is not relieved from paying the applicable water and sanitary sewer 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 Village as soon as the consumer is aware, or ought to have been aware, that the water and sanitary sewer service charge has become due and payable.
- j) A consumer, who wishes to discontinue receiving water and/or sanitary sewer service as a result of that consumer's intention to vacate the property, shall provide the Village with written notice on a form prescribed by the Village, of the intention to discontinue the service.
- k) A consumer who fails to provide written notice pursuant to section 19j), shall be liable for those charges in relation to the provision of water and sanitary sewer 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 19j).
- l) A consumer may be required to pay a disconnection fee as prescribed in the most current Village's Master Rates Bylaw and amendments, for the disconnection of the property from the water and sanitary sewer service.

20. **Offences**

- a) 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.
- b) Notwithstanding section 20a) 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 on Schedule "A" herein.
- c) Any person who contravenes any provisions of this Bylaw is guilty of an offence. The charges and costs to the Village for rectifying the damages caused by the person who has contravened any provision of this Bylaw shall be borne by the person in contravention and if these

charges and costs are not paid within sixty days (60) of an invoice being mailed the charges and costs shall be added to the tax roll and shall be collected in any of the ways provided for the collection of taxes according to the *Municipal Government Act R.S.A. 2000, Chapter M-26* or as amended.

- d) Under no circumstances shall any person contravening any provisions of this Bylaw be subject to a penalty of imprisonment.

21. **Violation Tags**

- a) 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 provisions of this Bylaw.
- b) A Violation Tag shall be served:
 - i. 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
 - ii. 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.
- c) A Violation Tag shall be in a form approved by the CAO, and shall state:
 - i. The name of the person to whom, the Violation Tag is issued;
 - ii. A description of the property upon which the offence has been committed, if applicable;
 - iii. A description of the offence and the applicable Bylaw section;
 - iv. The appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - v. That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - vi. Any other information as may be required by the CAO.
- d) Where a Violation Tag has been issued pursuant to section 21a), the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village Office, the penalty specified on the Violation Tag.
- e) 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.

22. **Violation Ticket**

- a) Notwithstanding section 21e), 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 grounds to believe has contravened any provision of this Bylaw.
- b) 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*.
- c) The person to whom the Violation Ticket has been issued may plead guilty by making voluntary payment in respect of the summons be 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.
- d) 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.

23. **Severability**

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

24. **Coming Into Force**

- a) Bylaw No's A727 and A737 are hereby repealed.
- b) This Bylaw shall come into force and effect on the date of its third reading and final passing.

Read a first time this _____ day of _____, 20__.

Read a second time this _____ day of _____, 20__.

Read a third time and finally passed this _____ day of _____, 20__.

Mayor

Chief Administrative Officer



SCHEDULE 'A'
FEES AND PENALTIES

<u>Offence</u>	<u>Section</u>	<u>Penalty</u>
Person removes, operates, connects to or alters any portion of the Sanitary Sewer or water service	3f)i	\$500.00
Person uses the water or sanitary sewer service in any manner that causes interference or disturbance to any other consumer's use of the service	3f)ii	\$500.00
Person obstructs or impedes free and direct access to the water or sanitary sewer service	3f)iii	\$500.00
Person install or allows to be installed any temporary or permanent structure	3f)iv	\$500.00
Service connection connecting more than one property	7a)	\$500.00
Installing, testing, removing, repairing, replacing or disconnecting a water meter without authority	9g)	\$500.00
Construct or alter a service connection to bypass a water meter	9r)	\$500.00
Interrupt or tamper with water service components	9t)	\$500.00
No person shall cause or permit to be discharged into the sanitary sewer service:	10a)i	\$500.00
a) In contravention of any Federal, provincial or municipal legislation		
b) Interfere with the proper operation of the sanitary sewer service	10a)ii	\$500.00
c) Impair or interfere with the treatment process	10a)iii	\$500.00
d) May result in a hazard	10a)iv	\$500.00
Throw deposit or leave any garbage	10b)	\$500.00
Person discharges:	10c)i	\$500.00
a) Hazardous waste		
b) Substance impact the flow	10c)ii	\$500.00
c) Chemical refuse, trade waste	10c)iii	\$500.00
d) Flammable or explosive material	10c)iv	\$500.00
e) Roof drainage	10c)v	\$500.00
f) Cistern or tank overflow	10c)vi	\$500.00
Person discharges privy vault, manure pit or cess pool	10d)	\$500.00
Person turns, lifts, removes, raises or tampers with components	10g)	\$500.00
Person cuts, breaks, pierces or caps the sanitary sewer main or service connection	10h)	\$500.00
Person interferes with the free discharge of any sanitary sewer service	10i)	\$500.00
Person directly discharges any waste resulting from trade, industrial or manufacturing processes	11a)	\$500.00
Person uses enzymes, bacteria, solvent, hot water or other agent to facilitate the passage of oil and grease	12/13	\$500.00

Connect, or cause to be connected or permit a cross connection	14a)	\$500.00
Open a curb cock to provide water service	14c)	\$500.00
Allow water to run off property so there is	15a)i	\$50.00
a) A stream of water running into the street or swale		
b) A stream directly into a catch basin	15a)ii	\$50.00
c) A stream or spray running into or falling onto the street	15a)iii	\$50.00
Use water	15b)i	\$250.00
a) In an illegal manner		
b) Impede its use by others	15b)ii	\$250.00
c) Connected to a water main without an account	15b)iii	\$250.00
d) That does not pass through a water meter	15b)iv	\$500.00
Where water restrictions are in place	17b)i	\$250.00
a) Wash any vehicle		
b) Wash the exterior of any house or other building	17b)ii	\$250.00
c) Water lawn or garden	17b)iii	\$250.00
Obstruct free access to any hydrant, valve or curb cock	18a)	\$500.00
Person constructs or installs connection without account	19a)	\$500.00
Second or subsequent offence within 1 year	20b)	Double

