

VILLAGE OF BEISEKER
BYLAW NO. 2011-08

“Water and Sewer Bylaw”

Being a Bylaw of the Village of Beiseker in the Province of Alberta for the purposes of constructing, regulating, controlling, and operating water and sewer for the purposes of providing residents and consumers with a water supply and a system for the disposal of sewage waste in the Village of Beiseker.

Whereas, pursuant to the Municipal Government Act, RSA September 2000, c. M-26 and amendments thereto, a Municipal Government may pass a bylaw to construct, control, and operate a water and sewer utility for the purposes of providing residents and consumers of a municipality with the supply of water and disposal of sewage wastes, charging such rates and fees as deemed necessary;

And Whereas, pursuant to the Municipal Government Act, RSA 2001, and amendments thereto, a municipal government may delegate to a municipal official, certain duties required in the operation of the utility;

And Whereas, the Council of the Village of Beiseker, in the Province of Alberta deems it desirable to pass a bylaw to establish and maintain a system for the construction, control, and operation of water and sewer services;

Now therefore, the Council of the Village of Beiseker in the Province of Alberta duly assembled hereby enacts as follows:

1. **Interpretation and Application:**

- i) This Bylaw shall be cited as “**The Water and Sewer Bylaw**”.

2. **Scope**

- i) The Water and Sewer Bylaw applies to all water and sewer systems within the limits of the Village of Beiseker.
- ii) The Water and Sewer Bylaw provides the Village the exclusive right for construction, control, and operating of water and sewer services within the limits of the Village, except as authorized by the Land Use Bylaw and/or development agreements.
- iii) No person shall have or operate an alternate source of water or sewer if the premises are adjacent to an existing main line within the Village except where required within a provision of this bylaw. Alternate systems will be accepted if in place prior to the signing of this bylaw.
- iv) If the owner or occupant requires the Village to supply water and/or remove any sewage for which provision is not made by this bylaw, that person shall pay prior to the supply, removal and disposal thereof, the estimated cost to the Village for the supply, removal and disposal thereof and the Village shall render an account for additional costs of such removal and disposal or shall return to that person any excess which was paid.
- v) The Village will undertake all required maintenance, repairs, and replacement of water, sewer, and storm sewer systems located on or under Village property including Village controlled easements and right of ways.
- vi) Each lot or parcel and each principle building or occupancy, where feasible shall be provided with a separate water and sewer service.
- vii) If cleanup, blockage, breaks, and/or damage requiring maintenance occurs as the direct or indirect action of another person, or as provided for in this bylaw, that person shall be responsible for all costs incurred relating to the maintenance, repair or replacement whether the damage is on private property or Village property.
- viii) In the case of a sewer line service blockage reference must be made to the Village of Beiseker Policy No. G-10 (Sewer Back Ups on Private Property) which may be revised from time to time by resolution of Council.

- ix) In the case of a water service line frozen between the property line and the meter, it shall be the responsibility of the person owning the said property. Any costs incurred by the Village of Beiseker in thawing frozen lines on behalf of the property owner, shall be recoverable as taxes and subject to penalties as any other tax.

3. **Right of Entry**

- i) For the purpose of conducting sampling tests, inspections, repairing, or reading outside meter reads or outside meter remote reads or installations, inspections, repairing or replacing inside radio read meters on any service connection inside or outside any premises considered expedient, the Public Works Foreman, or an authorized designate for that purpose shall have free access to all parts of the premises in which water is distributed to and/or is serviced by a sewer.

4. **Liability for Damage**

- i) The Village will not be held liable for any damages whether direct or indirect, suffered by any person or premises as a result of any obligation of the Village pursuant to this bylaw or the failure of the Village to discharge any of its obligations pursuant to this bylaw unless the Village is proven grossly negligent.

5. **Provisions for Operations**

- i) The Village may provide the necessary vehicles for the public construction, control and operation of the water and sewer system within the Village.
- ii) The Village may provide, supervise, and operate the facilities and equipment necessary for the construction, maintenance, control and operation of the water and sewer systems of the Village.
- iii) The Town may enter into a contract with any person for the construction and/or operation of the whole or a portion of the water and sewer system within the Village.
- iv) The Village may:
 - 1. Supervise the construction, control and operation of water and sewer systems.
 - 2. Direct the days, times and ways that the water and sewer system shall be utilized by designation of areas of the Village.
 - 3. Decide as to the quantities and classes of sewage to be accepted into the system from any premises.
- v) Subject to the provisions of this bylaw it is the decision of the Village as to:
 - 1. The amount of water supplied to any person and/or premises and;
 - 2. The amount and types of sewage that the Village is obliged to accept from any person and/or premises shall be final and conclusive.

6. **Misuse of Services – General**

- i) No person shall hinder or interrupt or cause or procure to interrupt the Village or its contractors, agents, employees in the exercise of powers and duties related to the water and sewer services and authorization contained in this bylaw.
- ii) No person shall let off discharge water so that it runs waste or is useless.
- iii) No person not being in the employment of the Village and not being a member of the fire department and authorized in that behalf, shall willfully open or close any hydrant or obstruct the free access to any hydrant stop cock, chamber pipe or hydrant chamber by placing on it any building material, rubbish or other obstruction.
- iv) No person shall without authority, hinder, interrupt, or cut off the supply of water, or the collection and flow of the storm sewer and sanitary sewer system.

- v) No person shall lay or cause to be laid or attach any pipe or main to communicate with any pipe or main of the water, storm sewer and/or sanitary sewer system or in any way obtain or use or use any water or sewer service or cut, break, pierce, or tap any water line or sewer or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into any water line or sewer without the consent of the Village.
- vi) No person shall in any manner obstruct the free access to any hydrant or valve or curb stop. No vehicle, building, rubbish, or any other matter which would cause such obstruction shall be placed nearer to a hydrant than the property line of the street in which the hydrant is located, nor within five (5) metres of the hydrant in a direction parallel with the said property line.

7. Water

- i) No person shall throw or deposit any injurious, noisome, or offensive matter into the water or waterworks or commit any willful damage or injury to the works, pipes, or water or encourage it to be done.
- ii) No person shall turn or attempt to turn on the water at a curb stop valve or any other valve once shut-off except where authorized by the Village.
- iii) No person shall interfere with, damage or make inaccessible any curb stop due to the construction of sidewalk, pathways, driveways, etc. If it is required to make any repairs or changes due to inaccessibility to or damage to curb stops, the owners of the property being serviced by said curb stop shall, in addition to the penalties of this bylaw, be required to assume all costs involved in said repair, which may be collected through addition to taxes and collected as any other tax of the Village of Beiseker.
- iii) No person shall alter any meter placed on a service pipe or connected with it inside or outside any premise so as to alter the amount of water registered by it, unless specially authorized by the Village for that particular purpose or occasion.
- iv) No person shall directly or indirectly place or cause to be placed any substance which would detract from the quality of the water within the water system or which caused the water to fail to comply with the potable water regulations under the Alberta Environmental Protection and Enhancement Act.
- v) No person shall allow interference or damage to a meter by frost or otherwise and that person shall be responsible for any costs relating to the repair of a damaged meter.
- vi) The property owner shall be responsible for damage to the remote reading unit which may result from causes other than normal wear and tear.

8. Sewer

- i) No person shall make or cause to be made any connection with any sewer, premise drain, or appurtenance thereof for the purpose of conveying or which may convey into weeping tile or eaves trough or roof drains.
- ii) No person shall discharge the contents of any privy vault, manure pit, or cesspool, directly or indirectly, into any sewer, or premise drain connected therewith unless authorized by the Village.
- iii) No person shall lift, turn, remove, raise, or otherwise tamper with the cover of any manhole, or other appurtenance of any sewer except where authorized by the Village.
- iv) No person shall throw, deposit, or leave in upon any sewer or any trap, basin, grating, manhole, or other appurtenance of any sewer any butcher's offal, garbage, litter, manure, rubbish, sweeping sticks, earth, gravel, dirt, hay, straw, twigs, leaves, rags, cinders, ashes or refuse matter of any kind.
- v) No waste or discharge resulting from any trade, industrial, or manufacturing process, shall be directly discharged into any sewer without such previous treatment as shall be prescribed by the Village for each such case. The necessary treatment works so prescribed shall be completely installed by the applicant at that person's expense, prior to the construction of the sewer connection and thereafter shall be continuously maintained and operated by the owner.

- vi) Grease traps of sufficient size and approved design shall be placed on the waste pipes from all hotels, restaurants, laundries, and such other places as the Village, under advisement may direct.
- vii) Sumps of sufficient size and approved design shall be placed on the waste pipes from all car washes and any other building which may cause dirt and debris to pass into the sewer.

9. **Dangerous Goods**

- i) No person shall place or mix with any water supply in the water system of the Village any dangerous goods, hazardous waste or biological waste.
- ii) No person shall place or mix with any sewage placed in the sewer collection system of the Village any dangerous goods, hazardous waste or biological waste.
- iii) Any person or like enterprise breaching any part of the hazardous waste section including but not limited to spills, leaks, or dumping upon Village right of ways, shall be responsible for all costs incurred in the eliminating of any pollution or contamination of the sites involved in the Village and shall make payment of the same to the Village on demand, such restitution will not exempt the person or organization from prosecution for contravention of this bylaw.
- iv) The owner or person responsible for the existence or accumulation of hazardous waste or agent of the owner or responsible person shall cause the hazardous waste to be transplanted to a disposal site and disposed of as prescribed by the Executive Officer of the Local Regional Health Authority or a duly authorized agent of the Province of Alberta.
- v) No person shall make or cause to be made any connection with any sewer, premise drain, or appurtenance thereof for the purpose of conveying or which may convey, into same, any inflammable or explosive material.
- vi) No person shall permit to be discharged into any sewer, any liquid which would prejudicially affect the sewers, or other trade waste or any waste of steam, condensing water, heated water, or other liquids of a higher temperature than one hundred and forty-nine (149) degrees Fahrenheit or sixty-five (65) degrees Celsius.
- vii) **The Village shall not collect hazardous waste.**

10. **Conveyance of waste through Town**

- i) No person shall convey through the streets any sewage whatsoever, except in properly covered metal receptacles and are responsible to control as much as practicable the escape of any offensive odors.

11. **Service Connections**

- i) **Municipal utility services will be provided to a property only in the name of the registered owner of the property.**
- ii) Every water service connection to the Village water system shall be equipped with an inside water meter and an outside water meter read to indicate the water consumption of the water service, and approved shut off valves.
- iii) The following procedure will be followed with regard to the installation of outside water meter reads and request for inside water meters for water supply to a newly constructed building or residence:
 - a) For new home, commercial or industrial construction, the plumbing and gas permit states that the plumber is required to install an inside water meter at the premises. The plumber will be directed to the Public Works Department to obtain an inside water meter. The Public Works Department will record the address that the inside meter has been obtained for, charge the corresponding fee for the meter, and will follow up to ensure access to install the outside read unit prior to occupancy.

- b) The Public Works Department will send two staff members to the address requiring the outside meter read unit for the installation. If the public Works Department is required to revisit the property, the Village, at the present custom work rates, may bill the owner for each subsequent visit until the outside meter read is installed.
- c) The Public Works Department shall, upon installation of the outside meter read unit, advise Administration that the billing of the utilities to the said property shall be commenced as of that turn on date.
- d) The developer shall provide the Village with two (2) sets of Engineered stamped drawings for review and approval prior to the start of construction. The Developer shall also provide to the Village two (2) sets of “as Built” plans within thirty (30) days of completion of a private water and sewer system and a letter indicating that the private water main is fully operational, shall also be supplied to the Village.
- e) Occupancy permits on new construction will not be provided until the property has been inspected to determine that an inside water meter and an outside read unit has been installed.

12. **Requirement for Provision of Metering Space**

Where serviced by a town water supply,

- i) Unless and until adequate provision, to the satisfaction of the Village, is made on the premises for the installation of the outside meter read, and this monitoring information is in place in a convenient location close to the inside water meter where convenient access is and will be at all times available to personnel from the Village, no person shall:
 - a) Construct or commence to construct a new building, or;
 - b) Reconstruct, alter, add to or extend an existing building on any site in the Village;
 - c) Carry on a business
- ii) If the space constructed or provided as required is not sufficient for the purposes outlined, the Village may in writing, require the owner or occupier of the premises to provide such additional space. If additional space is not provided, the Village may suspend the supply of water and sewer services until the required space is provided.

13. **Rates and Fees**

- i) Every Utility Account Customer being a registered owner or purchaser, which is served by water and/or sewer services of the Village shall pay monthly base rate charges and consumption charges for the service of supply of water and /or utilization of the sewer collection system and waste collection in accordance with the rates established by resolution of Council and may be amended from time to time by resolution of Council.
- ii) In the case of an owner tenant arrangement, the registered owner of a property being serviced shall be held ultimately responsible for the payment of any applicable charges applied to that account.
- iii) The Village of Beiseker is not liable for damages as follows:
 - a) Caused by the break of any water or sewer main service line;
 - b) Caused by the interference or interruption in the supply of water and sewer services necessary in connection with the repair or proper maintenance of the water and sewer system;
 - c) Generally for any accident due to the operation of the water and sewer system unless that action is shown to be directly due to the gross negligence of the Village.

14. **Payment of Rates:**

- i) A utility bill showing the current water, sewer and waste collection charge to the user shall be mailed to the user bi monthly and payment of the bill may be made using the following means:
 - a) The Village of Beiseker Administration Office at 700 – 1st Avenue
 - b) Telephone/Internet banking through most Financial Institutions
- ii) All accounts with the Village under this Bylaw shall become due and payable upon receipt with the final day of payment being 30 days following the issuance of the bill. After this final date has passed a penalty, in an amount prescribed by a resolution of Council which may be revised from time to time, will be applied to all outstanding balances.
- iii) Prior to issuing a water meter, a water/sewer account must be set up at the Village of Beiseker Administrative Office and any fee associated with a water meter will be due and payable prior to pick up of meter at Public Works.
- iv) In the case where no water meter has been installed, the water consumption shall be estimated along the following guidelines:

Estimated bi-monthly minimum billing 10,000 Gallons

- v) In cases where a meter is present but a reading was not recorded an estimate shall be based on previous consumption and/or the above guidelines at the discretion of the Village of Beiseker.
- vi) Any rates, costs or charges in arrears for utility services supplied by the Village of Beiseker to any land or premises may be added to the taxes assessed against the real property to which the utility services have been supplied, and may be collected in any of the ways provided by the collection of taxes, including the sale of the said property.
- vii) The Village of Beiseker also reserves the right to discontinue service to any property where any charges for service remain outstanding for a period of more than thirty (30) days or to a consumer that may be guilty of a breach of or in non-compliance with any of the provisions of this bylaw or the Board of Health regulations.

15. **Determination of Consumption**

- i) The Village shall determine the amount of water supplied to a premise, and such determination shall be final for all matters within the terms of this Bylaw.

16. **Meters**

- i) Any person claiming a meter is not working properly and requests that the meter be removed and tested shall deposit with the Village a sum of \$100.00 (One Hundred Dollars). The meter will be removed from service and tested. If the meter is found to be over reading by more than 3%, the deposit will be refunded. Any meter meeting the 3% guideline shall be considered adequate, and the deposit shall be forfeited along with any additional costs involved for the removal, testing, and installation of the meter.
- ii) Should the said meter be found to over-read by more 3%, the rates charged for the preceding two (2) meter reading periods will be adjusted by the same percentage as the meter was found to be in error, providing however, that no rate shall be less than the minimum rate normally charged.

17. **Bulk Water**

- i) The Village may provide bulk water services at a rate established by a resolution of Council that may be revised from time to time.
- ii) The guidelines for utilization of the bulk water service may change from time to time as set by the Public Works Department policies and procedures.

- iii) The Village is responsible for the maintenance of the facility and may therefore from time to time have the right to close the facility for maintenance purposes.
- iv) No owner, consumer or other person shall connect, cause to be connected, or allow to remain connected to the water utility, whether directly or indirectly any piping fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water waste, water contaminant or any other liquid, chemical or substance to enter the water utility.

18. **Default Action**

In the case of default of payment of any water and/or sewer rates, or charges, thirty (30) days after the expiration of the day upon which the same shall have become due or payable, the Village may, after providing notice, shut off the water supply to any premises in respect of which payment is in arrears or default.

19. **Continuing Water Service**

- i) Where the water supply has been shut off, because of default of payment or contravention of this bylaw, the water supply shall not be turned on until payment of all arrears, penalties, disconnection charges, connection charges and deposits have been recovered by the Village or arrangements satisfactory to the Chief Administrative Officer have been made.
- ii) A fee of three Hundred (\$300.00) dollars will be charged and shall be payable in advance for the reconnection of the services that have been shut off due to the circumstances outlined in 19 i).

20. **Non-Receipt of Utility Bill**

All utility bills and other charges are deemed to have been received by the utility account customer, seven (7) days from the date of mailing from the Village Office. The failure to receive such notice does not relieve the person from the charge or from the penalties duly imposed.

21. **Delegation**

The Council of the Village of Beiseker in the Province of Alberta hereby delegates to the Chief Administrative Officer, the power to:

Establish policies and procedures for the general maintenance or management or conduct or any of them, of the water and sewer system and of the officers and other employees employed in connection with the water and sewer system:

- i) Establish in connection with the water and sewer system, the times and places where rates and/or fees under this bylaw are payable;
- ii) Collect the rates and fees established pursuant to this bylaw;
- iii) Enforce payment of those rates and/or fees by all or any of the following methods:
 - a) By shutting off the water supply to the user of the system,
 - b) By action in any court or competent jurisdiction;
 - c) By distress and sale of goods and chattels of the person owing the rates or charges wherever they may be found in the Municipality.
 - d) Any other lawful means of collection available.
- iv) Enforce the terms and conditions under which the water and sewer service is supplied either;
 - a) By enforcing this bylaw
 - b) By enforcing any agreement made between the Village as supplier and the consumer.

Including shutting off of the public service being supplied to the consumer or disconnection of the service thereof until the consumer complies with the terms and condition in this bylaw.

22. **Control and Management**

As directed by Village Council the Chief Administrative Officer shall have the administrative control, care and management of the water and sewer of the Village and of all property used in connection with the said system, and the business carried on in respect thereof, and shall have the right to enter into contracts for service by and with the provisions of this bylaw and shall be charged with the proper conduct of the said business and enforcement of this bylaw.

23. **Water Restrictions**

From time to time it may be necessary for Village Council to impose water usage restrictions on all water users as a result of the Aqua 7 Regional Water Services Commission. This will only be done on an "as needed" basis and all water users must comply when restrictions are in place.

24. **Separate and Severable**

Each section of this bylaw shall be read and construed as being separate and severable from each other section. Should any section of this bylaw be found to have been improperly enacted for any reason, then such section apart shall be regarded as being severable from the rest of the bylaw in accordance with good financial management to cover the costs of providing a quality water distribution service to its residents.

25. **Bylaw No 2007-06 is repealed in its entirety on the date of the final reading of this Bylaw 2011-08.**

Read a first time this 11th day of October, 2011

Read a second time this 11th day of October, 2011

Given Unanimous consent for third and final reading this 11th day of October, 2011

Read a third and final time this 11th day of October, 2011

Mayor

Chief Administrative Officer

SCHEDULE "A"

Contravention of any section of bylaw 2011-08 shall result in fines as follows:

1 st Offence	\$300.00
2 nd Offence	\$500.00
3 rd Offence	\$1,000.00 and termination of utilities