

# BYLAW 09-2017

## Municipal Public Utilities Bylaw

A BY-LAW OF THE TOWN OF BARRHEAD, A MUNICIPAL CORPORATION IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT OF UTILITY SERVICES.

WHEREAS, pursuant to the provisions of the Municipal Government Act, being Chapter M-26, of the Revised Statutes of Alberta, 2000, and amendments thereto, the Council may pass Bylaws respecting to services provided by, or on behalf of the municipality; and,

WHEREAS, Council has deemed it necessary and desirable to levy fees for the supply and maintenance of a utility system which includes water, sanitary sewage, and solid waste collection and disposal.

NOW THEREFORE, duly assembled in a Regular Meeting, the Council of the Town of Barrhead, in the Province of Alberta hereby enacts as follows:

### **I. DEFINITIONS**

1. a. "Town" shall mean the Town of Barrhead or its duly authorized representatives.
- b. "CAO" shall mean the Chief Administrative Officer of the Town of Barrhead.
- c. "Owner" shall mean the person, company or entity registered on the property title as per Alberta Land Titles, or the Owner of the utility service itself unless specified otherwise.
- d. "Tenant" shall mean that person who rents or leases property and occupies same.
- e. "Consumer" shall mean that person utilizing the utility service whether it be Owner or Tenant.
- f. "Curb Cock" shall mean a valve that is located on the municipality owned portion of the Water Utility, located between the main line 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; commonly referred to as CC.
- g. As per the EPEA (Environmental Protection and Enhancement Act of Alberta), Alberta Regulation 119/93 "hazardous substance" means a substance or mixture of substances, other than a pesticide, that exhibits characteristics of flammability, corrosivity, reactivity or toxicity.
- h. "Bulk Water Filling Station" means the Town of Barrhead's truck fill station located at the Town Public Works lands or as moved from time to time and all parts and use thereof.

### **II. Water Supply and Maintenance Service**

#### **1. Service Charge and Metered:**

- a. For the first 13.5 m<sup>3</sup> it is \$47.50 per month minimum charge.  
For the next 32 m<sup>3</sup> it is \$10.50 per 4.55 m<sup>3</sup> per month.  
For the next 636.5 m<sup>3</sup> it is \$9.50 per 4.55 m<sup>3</sup> per month.  
For all consumption over the next 682 m<sup>3</sup> it is \$8.00 per 4.55 m<sup>3</sup> per month.  
All charges in excess of 13.5 m<sup>3</sup> per month shall be prorated to include the portion of 4.55 m<sup>3</sup> thereof.
- b. For the first 3,000 imperial gallons \$47.50 per month minimum charge.  
For the next 7,000 imperial gallons \$10.50 per 1,000 gallons per month.  
For the next 140,000 imperial gallons \$9.50 per 1,000 gallons per month.  
For all consumption over the next 150,000 imperial gallons \$8.00 per 1,000 gallons per month.

All charges in excess of 3,000 imperial gallons per month shall be prorated to include the portion of 1,000 gallons thereof.

- c. Where the meter installed is imperial rather than metric all rates shall be as per the metric conversion. (imperial gallons - cubic meter).

2. Unmetered Service:

Where, for various reasons the Town has been unable to or deems it not advisable to install a meter in any premises, the monthly charge shall be applied and the following monthly fees will be charged for the estimated amount of water consumed:

One to three occupants	\$50.00
Four or more occupants	\$70.00
Commercial or Industrial	\$80.00
a) Bulk sales to Contractors	\$9.20/m <sup>3</sup>
b) Bulk sales – Coin Fill	\$1.00/80 l

3. Construction Water

During the construction phase of a building, where water is being supplied, whether through a metered or unmetered service, the Owner or Developer will pay the minimum monthly charge for water and sewer only, commencing when the water service has been connected and is in use.

4. Water Meter - Installation/Repairs/Access:

- a. Every water service connected to the Town water system shall be equipped with a meter, to indicate the water consumption of that water service, and an approved shut off valve, and all Consumers shall pay for their water consumption and all other charges on the basis of and in accordance with the tariff on rates as authorized from time to time by Council.
- b. All meters shall be supplied, owned, installed and maintained by the Town, unless written approval to the contrary is first obtained from the Town. Water meters will be installed upon request, with the Owner or developer providing a minimum of two working days notice of the requested installation date. There shall be a \$35.00 labour charge for the installation of a water meter. Should the property Owner request installation service outside normal working hours, the labour charge shall be \$100.00.
- c. Where a non-residential building or a residential building which has numerous occupants, is monitored by more than a single water meter, and is connected by a single water line with only one curb cock (c.c.) to the Town water system, the Owner of said property is hereby made responsible to the Town for the utility charges emanating from that structure as monitored and calculated by the Town.
- d. The size of each meter to be installed and the dimension for all meter connections shall be determined by the Town. Information as to sizes and dimensions shall be obtained from the Town Office. The size of meter required will be determined when a development permit application is submitted.
- e. The Owner of any building in which a water meter service is, or is to be installed, shall make proper provision for a meter to be installed (horizontal). Any alterations necessary, determined by the Town, shall be made by the Owner at his/her own expense.
- f. Meter and shut off valves must be installed in an area readily accessible for meter reading, inspection, repair and removal, and their location shall be subject to the approval of the Town. All meters shall be located on the Consumer's side of the approved shut off valve.
- g. All new residential or non-residential properties must have the curb cock (C.C.) at ground surface level when it is requested that the water service is to be turned on.

- h. No person shall do, or shall cause to be done, or shall permit to be done, any act or thing which may obstruct, interfere with or impede a direct and convenient access to a meter for the purpose of installation, inspection, removal, repair, replacement, reading or the like at all times.
- i. All Consumers shall give free access to all or parts of the building or property in which water is delivered or consumed, to the Town or its employees to install, inspect, repair and read, the meter or anything of a similar nature.
- j. In the event that a person refuses to allow a meter to be read or fails to provide access to the property in order to obtain a meter reading, as requested by the Town, for a period in excess of four (4) months, the water service may be shut off, after twenty-four (24) hours written notice has been provided to the Consumer or the Owner.
- k. No branch line or fire line shall be taken off the service pipe prior to the meter without the written consent of the CAO or designate and upon the approval of same, the Town shall apply a wire and seal to ensure that no bypassing occurs.
- l. The Owner shall provide adequate protection for the meter against frost, heat or any other internal or external damage. The Owner is responsible to provide adequate protection against internal or external damage to any remote reading device that is still in active use. The Town may assess costs against the Owner for repair or replacement of a meter so damaged.
- m. Where a chamber is required to meter a building or property, it shall be constructed and maintained by the Owner, as per specifications provided by the Town. Any Owner requesting to construct a chamber must receive the prior approval of the CAO or designate.
- n. Where it is advantageous to construct large volume meter settings in the form of a battery of smaller size meters rather than in the form of one large meter, the Town may order this type of installation and the Owner shall install the piping accordingly.
- o. It shall be normal for one meter only to be installed on the one only service pipe to the one only building on the lot free of cost, with the exception of the installation charge (II.4.b) which will be paid by the Owner. Any variation from the foregoing shall be approved by the Council and the whole or part of the cost of such variation may be charged to the Owner.
- p. If a Consumer or Owner requests a water leak report there will be a \$50.00 charge and copy of the report will be provided.
- q. If a Consumer or Owner is doubtful regarding the accuracy of a meter, the Town may remove and have the meter sent for testing, but the Consumer shall be liable to a charge of \$300.00 for any 5/8" meter, and if the meter is found to be inaccurate the full charge of \$300.00 shall be refunded to the Consumer. The cost for testing on any meter larger than 5/8" will be determined after receiving a quote for this service from a separate entity. A copy of the testing report will be provided to the person making the request.
- r. In the event a water meter cannot be read remotely, the CAO or their delegate will be required to gain access to the premises for the purpose of reading and/or repairing the meter. If the Owner of the property refuses to allow a meter to be read for a period in excess of two (2) months from the date the meter was found to be faulty, or the notification to provide access for reading the meter was provided, the CAO or their delegate may shut off the supply of water to that meter until access is gained for the meter reading and the repair of the meter.

5. Liability of the Town:

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 utility services by the Town to the Owner, howsoever caused, including that which is caused by or related to:

- a) The break, blockage, stoppage or failure of any portion of the utility services within the Town;
- b) The interference with or cessation of the utility services in connection with repair or proper maintenance of the water utility, sewer utility or both;
- c) Directly or indirectly as a result of the Town approving any Service Connection;
- d) Any change in the water pressure of the water utility, nor for the shutting off of water nor by reason of water containing sediments, deposits or other foreign materials; or
- e) Any accident or incident due to the operation of the Water Utility or Sewer Utility, 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.

6. Water Ration:

Where the Town may have breakage, leakage, or other shortage of supply, the CAO in consultation with the Mayor may require that Consumers do not water gardens, lawns, or prohibit other outside use as is deemed proper and expedient at the time.

Any person who has received written or verbal notice of the water rationing and commits a breach of same is liable to a voluntary penalty in lieu of prosecution as follows:

First Offense	\$100.00
Second Offense	\$200.00
Third and subsequent offenses	\$400.00

If said voluntary penalty is paid within seven (7) days of receipt of notice, payment shall be accepted in lieu of prosecution.

The Town shall not be liable for loss of business arising from the rationing of water, whether due to an emergency or non-emergency reason.

7. Water Valves, Hydrants:

No Contractor/Owner shall turn the water service on unless for testing purposes, and in such a case the CAO and/or designate shall be advised in advance of the intention to ensure the water service is turned off.

No person, corporation, Consumer shall, other than authorized by the CAO and/or designate, in advance, touch, turn or disturb any fire hydrant, curb stop, water valve or anything associated with the water supply system.

Approval for all connections to the Town water system not specified in this Bylaw shall require the prior approval of the Town.

8. Bulk Water:

All new or renewed accounts for use of the Bulk Water Filling Station shall be subject to a refundable Bulk Water Account Deposit of \$200.00 and a \$50.00 non-refundable set up and administration fee. Applications for a Bulk Water account must be made in the Business name AND the Business owner's name.

Bulk Water Accounts shall be subject to review and renewal every 12 month period.

Any un-paid account which remains in arrears for a period of more than 45 days shall be subject to termination and any subsequent reactivation after payment of overdue funds will be subject to a \$100.00 non-refundable re-activation fee for overdue account holders.

Fittings used to attach hoses to the bulk water station MUST be clean and clear of any grease or debris to eliminate any potential contamination of the water for the next user. Should it be discovered that a dirty fitting was used, the account will be suspended.



**III. Sanitary Sewage Service**

1. No person, firm, institution or corporation shall injure, break or remove any portion of the sewer system or its appurtenances or throw or deposit or cause to be thrown or deposited in any sewer opening or receptacle connected with the sewer system, any garbage, offal, dead animal, vegetable parings, ashes, cinders, rags, or any other matter of thing except feces, urine, the necessary water closet paper and liquid house slops, organic garbage, pulverized by a commercial garbage disposal unit.
2. No person, firm, institution of corporation, with intent, knowledge or by negligent action, shall place or cause to be placed or facilitate the release of or cause the release of any substance deemed toxic or any hazardous substance, into any receptacle connected with the sewer system or where there is a reasonable chance that such a release will enter the sewer system.
3. The Town of Barrhead does hereby levy a monthly sewer service charge on all persons, firms or corporations being the Consumer or purchaser entitled to possession of property serviced directly or indirectly by a connection to the sewer system of the Town of Barrhead.
4. For all classifications, the sanitary sewer charge will be 35% of the cost of water usage, with minimums as listed, whichever is greater.

	<u>Per Month</u>
Basic minimum sewer rate	\$16.65
Two Family Dwelling – Base minimum plus	\$11.40
For apartments per unit (3 units or more)	\$10.15

**IV. Solid Waste Collection and Disposal Service**

1. That the rate for trade waste pick-up shall be at \$130.00 per hour with a minimum of \$65.00 per business per month. The rate will be pro-rated to the nearest quarter hour, based on the actual recorded time for pick-up and disposal.
2. That the rate for residential solid waste pick-up shall be as per the following schedule:

Single family residence	\$14.60/month
Duplex	\$14.60/month/suite
Any residential building with three or more suites	\$10.30/month/suite

Mobile Home Park:

  - (a) where no bins are provided and stops are required for each or every second mobile unit \$14.60/month/unit
  - (b) where self unloading bins are provided \$10.30/month/unit
3. Commercial Light - where the pick-up is once a week, and 2 or less bags are picked up. \$23.50/month
4. Any building or business that does not fall into any of the classifications mentioned shall be \$16.50/month
5. Solid waste collection and disposal is also subject to the provisions of Bylaw 5-97, the Waste Collection, Disposal and Recycling Bylaw.
6. Commercial garbage pickup bins are purchased from the Town of Barrhead or may be manufactured according to Town specifications. The bin Owner is responsible to ensure that the bins remain in a reasonable state of repair and are operationally useable and safe, as determined by the individual entrusted with the work of pickup or removal of waste on behalf of the Town of Barrhead. If deemed unusable, the Owner will be required to replace the garbage bin.

- (a) Pursuant to Bylaw 5-97, the Waste Collection, Disposal and Recycling Bylaw, commercial garbage bins must be in an approved location and provide free and clear access for waste removal.
  - (b) Commercial garbage pickup bin sale price - \$ 950.00/bin
7. No garbage bag shall, when presented for pick up, weigh more than 25 kg or 55 lbs. or within a reasonable limit thereof to be determined by that individual who is entrusted with the work of pickup or removal of waste on behalf of the Town of Barrhead.
8. Garbage must be presented for pick up or removal in non returnable bags, and must be of a size and consistency of no greater capacity than 1.3 cubic yards (1 cubic meter) and not more than 76 cm (30 inches) in height and not more than 63 cm (25 inches) in width.
- (a) Where more than three individually tied grocery bags are used for garbage pickup or removal they must be placed in non-returnable bags subject to specifications noted in this bylaw.
  - (b) Animal waste, feces or any other material which is emitted or is caused by the natural functioning of an animal, shall be placed in a separate garbage bag, double bagged and securely tied.
  - (c) All clippings from trees, shrubs or other branch bearing flora shall be tied securely in bundles adhering to the aforementioned weight limitations for garbage bags and shall be presented as such. Nor shall these bundles exceed a length of approximately 1.2 meters (3.9 feet) and shall be judged by those entrusted with the pickup and removal of waste on behalf of the Town of Barrhead.
  - (d) Permitted, secure container shall mean any store bought, commercially manufactured garbage receptacle, or other container approved by the Town, for presentation of the non-returnable bags to be picked up. Non-permitted containers are 45 gallon/206 l drums, or any receptacle, wooden bin or box, that may pose a potential risk to the safety of staff picking up the garbage bags, or impede the efficiency of the pickup operations. The Town will determine if the garbage receptacle is deemed a "permitted secure container."
  - (e) All bags shall be presented in a permitted, secure container, if left for removal or pickup more than 24 hrs. prior to the scheduled arrival of those who will lawfully remove that waste on behalf of the Town of Barrhead.
9. No person other than the Tenant, Owner, Town representative or garbage collection contractor shall interfere with, disturb the contents of, removal of or addition of materials, to any collection container at any eligible premises with the Town limits.

**V. GENERAL PROVISIONS**

Utility Account Deposits shall be required for any accounts set up in the Tenant's name, during the transition period to April 30, 2018, and prior to all accounts being set up in the Owner's name.

1. Utility Account Deposits shall be charged according to the classification of the Consumer account, as listed:
- a. Residential Single Family Dwelling \$200.00
  - Duplex/Triplex \$300.00
  - Commercial \$250.00
  - Commercial – High Volume – 1" or more meter size \$600.00
  - Restaurant \$350.00
  - Apartments 4 suites to 11 suites \$400.00
  - Apartments 12 suites and more \$800.00

Carwash	\$800.00
Hotel/Motel	\$1,000.00

- b. The Chief Administrative Officer may waive the requirement of a deposit for a customer who has been established for at least 12 months in Barrhead with their utility accounts maintained in good standing.
- c. All new utility accounts shall be set up in the legal name of the Owner(s) registered on the property title as per Alberta Land Titles. Tenants shall not be permitted to set up utility accounts solely in their own name. In order to provide a period of transition this will become effective May 1, 2018, or sooner if the Owner wishes the account to be set up in the Owner's name. Account deposits will not be required on these Owner accounts.
- d. Utility Services will not be established for an Owner who has an overdue or outstanding account of any nature with the Town until the account is paid in full.
- e. In all cases the Owner shall be liable for the cost of Utility Services supplied to a property, regardless of whether the Property is occupied by the Owner or a Tenant, and all invoices issued by the Town shall be sent to the Owner.
- f. Utility Account Deposits, currently on file, shall be credited to the accounts of Owner named accounts.
- g. At the discretion of the CAO or his designate, should a tenant customer's account appear on the shut off list due to an unpaid account, after receiving a utility account deposit refund, they shall be re-charged the current relative utility account deposit amount on a subsequent utility bill.
- h. Should a tenant customer's account appear on the shut-off list, due to an unpaid account, twice or more in a 12 month period, the utility account deposit will be re-charged if there is no deposit on the account, or will be increased to, the amount of the current relative utility account deposit amount, on a subsequent utility bill.
- i. All current residential or commercial utility accounts in the name of the Tenant shall be transitioned to the Owner. However, to allow for this transition, a Tenant whose account is in good standing at the time this Bylaw comes into effect may continue to receive utility services until such as time as the Tenant closes the account, or the Tenant fails to maintain good standing on the account (account is in arrears for more than 30 days), or the utility services are discontinued for any reason. At that time, the account will be transferred to the Owner's name.

2. Maintenance of the Utility System

- a. The Town, pursuant to the provisions of the Municipal Government Act, has the right to enter onto land to construct, maintain, repair and/or restore utility services. Further, the costs of doing such work will be at the property Owners expense, and will be a condition of supplying service.
- b. Where the Town decides to exercise its rights under V.2(a), Council hereby authorizes Administration to prepare and enter into agreement for payment of costs. Such agreements shall:
  - i. provide for the principal and interest to be added to the tax roll.
  - ii. that the Municipality will forego tax recovery proceedings and penalties on the outstanding amount, providing that the Owner complies with the payment schedule.
- c. i. The service connection includes parts or works such as pipes, wires, couplings, curb cocks, meters and other apparatus that connect to the water main or sanitary sewer main.

- ii. Service connections located within the property boundaries of a property are owned by the Owner and the Owner shall be responsible for the construction, maintenance and repair of that portion of the service connection.
  - iii. The Town shall, at all times, remain the Owner of that portion of the service connection between the Town's water main or sanitary sewer main, and the Owner's property line, or the valve or connection point near the property line, whichever is applicable, 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.
  - iv. Owners of property are responsible for the construction, installation and repairs of the service connection on their property to the valve or connection point, within or closest to their property line.
  - v. As a condition of receiving utility service from the Town, the Owner shall maintain, in a state of good repair, free from leakage, infiltration and/or other forms of loss, with sufficient protection from freezing, all parts of the service connection to the satisfaction of the Town, through which wastewater is conveyed from outlets or fixtures located on or within the property to the sanitary sewer main or which the supply of water is conveyed from the Town's water system to water supply outlets or fixtures located on or within the property, as the case may be. Owners are required to adequately maintain their sanitary sewer service connections, to keep the sanitary sewer service connections clear from tree roots, grease, oil, mud, rags and other debris that may cause blockages or plugs in the line connected to the Town's sanitary sewer main.
3. Utility Service accounts rendered shall be due and payable on or before the last day of the month following the month in which the invoice was issued.
  4. Accounts unpaid after the last day of the following month in which account is rendered shall be subject to a 2.5% penalty.
  5. Owners will be notified if their account is in arrears and if these arrears are not paid by the specified time, the Utility services may be disconnected.
  6. If the utility account remains unpaid by the following billing cycle, the property owner has 60 days until the amount owing is transferred to their property tax roll, whereby it will be deemed taxes and collected as such in accordance with the Municipal Government Act.
  7. Where the Consumer desires to have his water turned off for a period of time, a charge of \$30.00 shall be paid to the Town at the time of the request and a further charge of \$30.00 shall be paid when requesting reconnection. This will not apply where water is to be turned off for 6 months or longer.
    - (a) Should the Consumers desired time for water turn off or reconnection be outside the Town's regular working hours, there will be a charge of \$100.00 for each water turn off or reconnection.
  8. Enforcement and Collection:
    - a. In case of default in payment of the rates and penalties herein provided, the Town may enforce such payment by any and all legal means including turning off the utility service being supplied to the Consumer and/or discontinuing the service thereof.
    - b. Should the utility being supplied and/or the service be discontinued a reconnection fee of \$60.00 will be paid by the customer along with all outstanding charges and penalties. The reconnection will take place during regular working hours.
    - c. When the Consumer is the Owner of the building or lot, the sum payable for the public utility service including all rates, costs, and charges imposed are a preferential lien and charge on the building or lot and may be levied and collected in like manner as municipal rates and taxes are recoverable.
    - d. When the Consumer to whom the public utility service has been supplied is a person other than the Owner, the sum payable by the Consumer is a debt




owed by him and is a preferential lien and charge on his personal property and may be levied and collected with costs by distress.

- e. Utility services will not be established by the Town for a Consumer or Owner who has an overdue or outstanding account of any nature with the Town, until such time as the account is paid in full or payment arrangements have been established and maintained as agreed to. Should the payment schedule not be adhered to, the Town maintains the right to discontinue the utility services.
- 9. Any person who contravenes any provision of this Bylaw is guilty of an offense, and liable upon summary conviction to imprisonment for a term of not more than three (3) months or to a fine of not more than \$250.00 and costs, or to both fine and imprisonment.
- 10. Utility and Bulk Water Account Deposits shall be applied to the final bill when the Consumer requests the discontinuation of Utility Service. Any credit balance left remaining on the account shall be refunded to the Consumer.
- 11. The Town shall not be liable for loss of business arising from the discontinuing water service, whether the shut off was due to an emergency or non-emergency reason.
- 12. These rates shall be effective January 1, 2018, and shall continue in force from year to year until altered by Resolution of Council.
- 13. Council may from time to time, adopt schedules regarding any aspect of utility service by resolution. Those schedules once adopted shall be attached to, and form part of this Bylaw.
- 14. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.
- 15. Bylaw 10-2016 is hereby rescinded.

Read a first time this 28<sup>th</sup> day of November, A.D., 2017.

TOWN OF BARRHEAD


  
\_\_\_\_\_  
Mayor, Dave McKenzie

  
\_\_\_\_\_  
CAO, Martin Taylor

Read a second time this 28<sup>th</sup> day of November, A.D., 2017.

TOWN OF BARRHEAD


  
\_\_\_\_\_  
Mayor, Dave McKenzie

  
\_\_\_\_\_  
CAO, Martin Taylor

Read a third time this 28<sup>th</sup> day of November, A.D., 2017 and passed.

TOWN OF BARRHEAD

  
\_\_\_\_\_  
Mayor, Dave McKenzie

  
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CAO, Martin Taylor