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MUNICIPALITY OF CROWSNEST PASS

BY-LAW NO. 560, 2001

**A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF
ABERTA TO PROVIDE FOR THE REGULATION OF THE WATER SYSTEM AND
TO ESTABLISH A TARIFF FOR WATER RATES**

WHEREAS, it is expedient to make provisions for the management and control of the water works system of the Municipality of Crowsnest Pass and to provide rules and regulations for the laying of house sewer and water lines and to establish a tariff of water rates and charges:

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, pursuant to the Municipal Government Act, R.S.A. 1994, Chapter M-26.1 with amendments thereto, ENACTS AS FOLLOWS:

1. This by-Law may be cited as the, "Water Service By-Law" of the Municipality of Crowsnest Pass. Where the terms of this By-Law conflict with the provisions of any other Bylaw of the Municipality of Crowsnest Pass, this By-Law shall prevail.

DEFINITIONS:

2. In this By-law unless the context otherwise requires;
 - (a) "C.A.O." means the Chief Administrative Officer of the Municipality of Crowsnest Pass as appointed by Municipal Council and includes any person authorized by him or the Municipality to act for or carry out the duties of the Chief Administrative Officer to the extent that authorization is given.
 - (b) "Plumbing Inspector" means the Plumbing Inspector appointed by Council of the Municipality of Crowsnest Pass.
 - (c) "Public Works Superintendent" means the Public Works Superintendent for the Municipality of Crowsnest Pass or person authorized by him or by the Municipality to act for or carry out the duties of the Public Works Superintendent.
 - (d) "Service Connection" means the portion of water or sewer service between the main and the outer limit of the public right-of-way.
 - (e) "Director of Finance" means the Director of Finance and Systems of the Municipality of Crowsnest Pass.
 - (f) "Water Works System" means the system of water works owned and operated by the Municipality of Crowsnest Pass and all accessories and appurtenances thereto.

ADMINISTRATION:

3. The Public Works Superintendent, subject to the control of the C.A.O. shall have charge of all the various properties and works required for the supply of the Municipality and its inhabitants with water, and of the inspection and rating of all buildings and premises supplied with water.
4. No extension of mains shall be constructed except as may be authorized from time to time by the Municipal Council.
5. The Public Works Superintendent may order that the water be shut off from any consumer or consumers without notice for such length of time as may be necessary to permit the construction or repairs or the connection of services to the system

RESTRICTIONS AND PROHIBITIONS

6. (a) The C.A.O. may at any time make orders restricting the use of water-either by all consumers or by any particular class of consumers and either throughout the Municipality or in any particular area of the Municipality. The order may specify that such restricted use of water shall apply during such hours of any day of the week as may be specified in the order.
- (b) No person shall use any water from the water works system in contravention of the terms of any order made by the C.A.O. under this section.
- (c) The Administrator shall take such steps as he deems necessary to publicize the terms of an order made pursuant to this and the preceding section.
7. (a) (i) All sanitary receptacles that receive body wastes shall be connected to the sanitary sewerage system unless otherwise approved by the Plumbing Inspector.
- (ii) Any storm water service connections that are not covered by the Alberta Plumbing Regulations shall meet with the approval of the Plumbing Inspector.
- (b) If a developer is found guilty of a violation of the Alberta Plumbing and Drainage Regulations or Alberta Building Regulations, then the Municipality may enter upon the land and building, erection or structure concerned and make such connection and charge the cost thereof against the land, building, erection or structure concerned in the same manner as taxes and with the same priority as to lien and to payment thereof as in the case of ordinary municipal taxes.
8. (a) No person except members of the Fire Department shall open, close or interfere with any hydrant, gate or valve connected with the water works system without the permission of the Public Works Superintendent.
- (b) The Public Works Superintendent may permit water to be taken from a hydrant during construction or otherwise, provided that:
 - (i) A deposit in an amount as set out in Schedule "A" is left with the Public Works Superintendent which deposit may be applied by the Public Works Superintendent against the cost of any damage caused during the use of the said hydrant.
 - (ii) Water taken from the hydrant shall be charged for at the rates set forth in this By-Law.
 - (iii) Minimum charge for the use of a fire hydrant shall be as set out in Schedule "A".
9. No person shall place or deposit any injurious, noxious or offensive matter in the vicinity of the intake to the water works system, shore, or bank or the water source, at any point within the Municipality above such intake, or in the vicinity of the reservoir nor shall any such matter be brought into the Municipality for the purpose of being thrown into the streams, or be placed on the ice on the river or streams, nor shall any person bathe or wash clothes or do any other thing which may pollute the water above the intake of the said water works system in the Municipality.
10. No person being an occupant, tenant or inmate of any house, building or other places supplied with water from the water works system shall lend, sell or dispose of the water thereof, or give away or permit the same to be taken or carried away or used or apply it to the use or benefit of others than his, her or their own use and benefit or shall increase the supply of water beyond that agreed for with the Municipality or wrongfully, negligently or improperly waste any water supplied from the water works system.

DAMAGES

11. In all cases where any pressure vessel or equipment is supplied with water from the water works system, the Municipality shall not be responsible for damage to such vessel or equipment, person or premises when the water supply is shut off or when there is failure of the water supply due to any cause whatsoever, even where no notice is given. No deduction from the water bills shall be made in consequence thereof.
12. The Municipality is not liable for damages:
 - (a) caused by the breaking of any water service main, water service pipe or attachment, or any sewer main; or
 - (b) caused by the interference with the supply of any water service or sewer necessary in connection with the repair or proper maintenance of the water service or sewers, or
 - (c) generally for any accident due to the operation of the water works system or sewage disposal system of the Municipality unless such accident is shown to be directly due to the negligence of the Municipality, its employees or agents.

SERVICE CONNECTIONS

13.
 - (a) Any person requiring water and/or sewer services from the water and/or sanitary sewer system shall apply to the Public Works Superintendent and request that his premises be connected to the said system or systems. The owner or his authorized agent shall state the size and services required and shall sign the application form provided for that purpose.
 - (b) The owner or his authorized agent shall provide the Plumbing Inspector with a site plan on which the size and location of the required services are shown. This applies to row housing, each four-suite or larger apartment building and every commercial and industrial building.
 - (c) The expense of installing any service connection to a sub-divided lot or a parcel of land, or portions of same, shall be borne by the applicant.
 - (d) A separate water service pipe to be used only for fire purposes may be constructed at the cost of the owner or occupier of property from the water main to his premises. Valves on said water service pipes may be sealed, as instructed by the Plumbing Inspector. The said seal shall not be broken except in case of an emergency. The Plumbing Inspector shall be notified within 24 hours if a seal is broken. Should said water service pipe not be maintained as required, the same may be disconnected by order of the Plumbing Inspector.
14. The Municipality shall be responsible for the maintenance of the water and sewer mains and all the connections from the main to the property line with the exception of those connections used for lawn services and fire services and with the exception of those limitations contained in paragraph 16.
15. The water service pipe from the main to the property line shall be of copper, cast iron, or other material approved by the Plumbing Inspector and connected by fittings and materials approved by the Plumbing Inspector, and such water service pipe shall be laid at least eight feet below the surface of the ground.
16. The Municipality will place on each water service pipe a brass stop cock or valve at or near the property line, for the purpose of turning on the water supply or shutting it off. Over the stop cock or valve there shall be placed by the Municipality a metallic street stop cock box or valve box of approved pattern. The downstream edge of the stop cock so placed shall be the limit of Municipality responsibility with respect to the installation, maintenance and repair of the water services, regardless of whether the stop cock is situated on the property line, within the street right-of-way or on private property.

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17. The stopcock or stop and waste valve shall be located immediately inside the building.
18. The Plumbing Inspector may have the water shut off the premises of any owner or consumer infringing any of the rules and regulations or amendments thereto made by the Municipality.
19. No person shall in any way interfere with any stop cock, pipe or other water works appliance outside his own premises. No person except a person authorized by the Plumbing Inspector, shall tap or make any connection whatsoever with any public water pipes or mains, either in the streets, or in the lanes.

UTILITY CONTRACTS

20. Upon the request of an owner or occupant or other person in charge of a building for the provision of a utility service, the Council considers it advisable to enter into a utilities contract with only the owner or purchaser of a building, or lot or part of a lot.
21. If the Occupant to whom the public utility has been supplied is a person other than the owner or purchaser, the non-owner occupant shall issue a payment of charges in the amount of ONE HUNDRED (\$100.00) DOLLARS and the occupant may undertake to pay the prevailing rates for the said utility services provided that the Owner requests same and with the condition that should the Occupant default in payment, the Owner or purchaser shall be responsible for payment to the Municipality of the amounts in default.
22. A penalty of two percent (2%) shall be added to all amounts not paid by the due date stated on the utilities invoice.
23. Whereas the Owner or purchaser of a building or lot or part of a lot shall contract with the Municipality with respect to a utility service then the sum payable by him for the public utility supplied by the Municipality to him and all rates, costs or charges imposed are a preferential lien and charge on the building or lot or part of a lot and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable.

PAYMENT OF ACCOUNTS

24. All charges and rates payable under this By-law shall be paid to the office of the Director of Finance and the collection of all disbursements connected with the operation of the water system and supervision of books of accounts shall be under the immediate control and direction of the Director of Finance. The Director of Finance shall be promptly notified of all connections made or permits granted or of any discontinuance of water service so that the proper charges or allowances may be made against or to any person or persons liable to pay for the water consumed or who is entitled to a refund where the supply of water is discontinued.
25. A consumer wishing to discontinue a water service shall advise the Director of Finance's Office.
26. Any consumer requesting a temporary disconnect for water shall pay a service charge for such disconnection and a further service charge for the reconnection, both in the amount set out in Schedule "A".

WATER RATES

27. Charges for water service shall be made in accordance with the provisions of the Schedules which are attached to this By-Law and any amendments and additions thereto. The charges as set out in the Schedules are subject to change by Council without notice.
28. Subject to the other provisions of this By-Law a person occupying premises connected to the water supply system of the Municipality shall pay to the Municipality a water service charge as follows:

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WATER RATES – cont'd

- (a) In the case of domestic consumers a charge computed at the rate specified in Schedule "B" hereto.
 - (b) In the case of persons other than domestic consumers a charge computed at the rate specified in Schedule "B" hereto.
 - (c) Where a contract for the supply of water service is in existence the owner or occupier of the property shall be liable to pay the monthly rate as specified in the Schedule hereto, whether or not any water is in fact consumed during the billing period.
 - (d) In this By-Law the term "Domestic Consumer" shall mean the owner or occupier of a one or two family residence or a two suite apartment where the property is connected to the water works system of the Municipality of Crowsnest Pass by a single water service line.
 - (d) Where conditions exist which could require the application of a different rate, such rate will apply from the date that written notification is received by the Municipality from the consumer
29. If a dwelling-house or apartment is in a building a portion of which is occupied by a store, shop, office or other business and the water from the street main has been introduced into any part of the building, the owner or occupier of the building shall be charged for water at the rate specified in Schedule "B".
30. (a) Accounts for water service shall be forwarded bi-monthly to the owner or occupier of property connected to the water works system, and shall be payable at the office of the Director of Finance and such other places as may be designated by him.
- (b) Accounts shall be deemed to be sufficiently forwarded if they are left on the property or if they are mailed by ordinary mail to the owner or occupier at the municipal address of the property.

TURN ON OR TURN OFF

31. Other than an emergency as determined by the Plumbing Inspector, turn on or turn off shall be conducted only between the hours of 7:00 A.M. – 3:30 P.M. Monday to Friday unless person(s) request such service shall be responsible to pay all overtime charges incurred.

PENALTIES

32. The Public Works Superintendent and persons duly authorized by him may enter the premises of any water user at any reasonable time to examine the pipes, fixtures to ascertain the quantity of water used and the manner of its use, and in the case of fraudulent representation on the part of any water user or of unnecessary waste of water, the supply may be cut off.
33. (1) The payment of any rates, charges, tolls, fares, or rents as provided by this By-Law may be enforced by all or any of the following methods, namely:
- (a) By action in any court of competent jurisdiction,
 - (b) By shutting off the water service.
- (2) When at any time the water supply is disconnected for non-payment of accounts a fee as set out in Schedule "A" be charged when the water service is reconnected.

PENALTIES – cont'd

34. (1) Where the occupant is the owner or purchaser of a house, tenement, lot or part of a lot, the sum payable by him for the water service supplied by the Municipality to him or for his use, and all rates, costs and charges imposed under this By-Law are preferential lien and charge on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable.
- (2) Where the occupant to whom the water service has been supplied is a person other than the owner or purchaser of the house, tenement, lot or part of a lot, the sum payable by the occupant is a debt due by him and shall be a preferential lien and charge on his personal property and may be levied and collected with costs by distress.
35. Any person committing a breach of any of the provisions of this By-Law shall be guilty of an offence and liable on summary conviction to a fine not exceeding One Hundred (\$100.00) Dollars exclusive of costs.
36. It is the intention of the Municipal Council that each separate provision of this by-law shall be deemed independent of all other provisions herein and it is further the intention of the Municipal Council that if any provisions of this by-law be declared invalid, all other provisions thereof shall remain valid and enforceable.

Bylaw N/O. 58, 1980 and amendments thereto are hereby repealed

Read a first time this 5th day of JUNE, 2001.

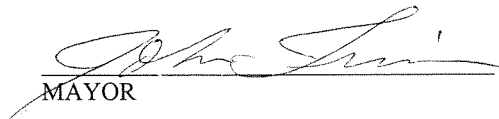
CARRIED UNANIMOUSLY

Read a second time this 5th day of JUNE, 2001.

CARRIED UNANIMOUSLY

Read a third and final time, this 5th day of JUNE, 2001.

CARRIED UNANIMOUSLY


MAYOR


CHIEF ADMINISTRATIVE OFFICER

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BY-LAW NO.560, 2001

SCHEDULE "A" FEES

<u>DESCRIPTION</u>	<u>FEE</u>
Deposit for use of hydrant	\$100.00
Use of Fire hydrant and water	\$ 35.00
Fee for temporary disconnect (during regular work hours)	\$ 25.00
Fee for reconnection (during regular work hours)	\$ 25.00
Fee for Reconnection (outside regular work hours)	ACTUAL COST

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SCHEDULE "B"

CHARGES FOR WATER SERVICES

W1 RESIDENTIAL

Minimum Water Rate: \$20 Monthly - \$40 Bi-Monthly

Single Family Residence

W2 COMMERCIAL

Minimum Water Rate: \$20 Monthly - \$40 Bi-Monthly

Banks and Credit Unions	Garages
Chiropractor's Clinic	Library
Confectionary	Offices
Dentist Clinic	Pharmacy
Doctor's Clinic	Places of Worship
Exercise Clubs/Fitness Centre	Service Stations
Fast Food Services/Snack Bars	Small Retail Store
Funeral Home	Theater

W3 COMMERCIAL

Water Rate (Minimum Rate X2): \$40 Monthly - \$80 Bi-Monthly

Fabrication, Manufacturing, Machining and Welding Shop
Forestry Office
Large Retail Stores (over 6,000 Sq.Ft.)
Lumber Yard
Meeting Place/Halls (Nippon Institute)
Provincial Building
Restaurants

W4 COMMERCIAL

Water Rate (Minimum Rate X 4): \$80 Monthly - \$160 Bi-Monthly

Campgrounds/Recreation Parks
Car Wash
Coin Laundry
Laundromat
Places of Entertainment/Licensed Areas
Schools

W9 COMMERCIAL

Water Rate (0.3 X Minimum Rate) X Units/Rooms/Per Bed

Cabins/Lodges
Hospital
Manufactured Home Parks (Trailer Parks)
Motels/Hotels
Nursing Home
Residential Apartment Buildings
Seniors Lodge

In the event there is more than one business operating out of one location, the higher of the applicable water rate will apply.