

BYLAW NO. 1848

A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA TO REGULATE THE CONNECTION AND USE OF PUBLIC WATER SYSTEMS AND SANITARY SEWER SYSTEMS HEREBY CITED AS THE WATER AND SEWER BYLAW.

WHEREAS, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw includes a power to amend or repeal a bylaw;

AND WHEREAS, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw respecting public utilities;

AND WHEREAS, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a public utility service is provided to an adjacent parcel of land, upon request, subject to any terms, costs or charges established by Council;

AND WHEREAS, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, the definition of 'Public Utility' includes water and sewage disposal;

AND WHEREAS, the Council of the Municipal District of Bonnyville No. 87 asserts that the use and control of all public water systems, common sewers and of any sewage disposal works connected therewith, shall be in accordance with this Bylaw;

AND WHEREAS, the Council of the Municipal District of Bonnyville No. 87 deems all water systems, sanitary sewers, drains, and sewage disposal works, belonging to the municipality now laid down, or hereafter laid down to be under the direct control of the municipality;

NOW THEREFORE, the Council of the Municipal District of Bonnyville No. 87, duly assembled in the Province of Alberta, hereby enacts the following:

1 DEFINITIONS

- 1.1 Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.
- 1.2 Words in the singular shall include the plural or vice versa whenever the context so requires.
- 1.3 In this Bylaw:
 - (a) "Authorized Employee" means any representative appointed by the Municipal District of Bonnyville No. 87 to do any work on behalf of the municipality with respect to any municipal water or sewer services;
 - (b) "Bylaw Enforcement Officer" means persons authorized/appointed to enforce Bylaws on behalf of the Municipal District of Bonnyville No. 87;
 - (c) "Chief Administrative Officer" means the Chief Administrative Officer of the Municipal District of Bonnyville No. 87 appointed by Council, or their authorized delegate.

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- (d) "Council" means the duly elected Council of the Municipal District of Bonnyville No. 87;
- (e) "Customer" means any owner or developer in charge of a premises, to whom the municipality is providing water and/or sewer services;
- (f) "Deposit" means a security deposit charged to customers applying for a utility account in accordance with the Master Rates Bylaw;
- (g) "Master Rates Bylaw" means the Municipal District of Bonnyville No.87 Master Rates Bylaw as revised from time to time;
- (h) "Meter" means the device and all other equipment and instruments, including but not limited to, water meters, radio frequency meter interface units, and remote readers used by the municipality to calculate the amount of water consumed on the property upon which such devices are situated, either in imperial or metric measurements;
- (i) "Owner" means a person who is the registered owner or purchaser under an agreement for sale of a parcel of land;
- (j) "Potable Water" means water that is suitable for human consumption;
- (k) "Premises" means a house or building, together with its land, buildings, structures and improvements thereon;
- (l) "Sewer Main" means that portion of sewer line that is laid for the service of more than one customer;
- (m) "Sewer Service Line" means the pipes and fittings which connect a serviced premises to the municipal sewer system;
- (n) "Sewer System" means a system for the final disposal of sewage, or any part thereof, and includes all pipes, fittings, fixtures and appurtenances for the collection, transportation, pumping and treatment of sewage;
- (o) "Utility Bill" means the monthly and bi-monthly charges for potable water and/or sanitary sewer services;
- (p) "Water Main" means that portion of water line that is laid for the service of more than one customer;
- (q) "Water Service Line" means the pipe and fittings that connect the water main to the main shut-off valve inside a serviced premises;
- (r) "Water System" means a system for the provision of water and includes all pipes, fittings, fixtures, and appurtenances for the collection, transportation, pumping and/or treatment of water.

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2 WATER SERVICE

- 2.1 Upon receipt of an application in writing, and when applicable, the payment of a water service fee as specified in Schedule "A" of the Master Rates Bylaw, by the owner of any premises within the Municipal District of Bonnyville No. 87, the municipality shall supply those premises with water service provided that:
- (a) The premises to be serviced conforms to municipal legislation; and
 - (b) The supply of water be subject to the terms and conditions of this Bylaw and municipal legislation.
- 2.2 Landowners not directly adjacent to the municipal water main may connect in accordance with municipal legislation.
- 2.3 As a condition of supplying water to any premises the owner of the premises shall be responsible for the construction of the water service line.
- 2.4 All water service lines shall be constructed of materials and to the specifications approved through municipal policy. The Municipal District of Bonnyville No. 87 may refuse to connect the municipal water system to any water service line that does not meet the municipality's standards.
- 2.5 The customer shall be responsible for and pay to the Municipal District of Bonnyville No. 87, the full costs to repair any damage to a water meter or remote reading device that results activity other than normal wear and tear. The customer shall pay no less than the minimum charge specified in Schedule "A" of the Master Rates Bylaw for the repair of such damage to a water meter or remote reading device. Frost damage will not be considered normal wear and tear.
- 2.6 Should any person claim a meter is not working properly and is over reading, the person may request that the meter be tested. Upon receipt of the request and payment for a water meter test deposit as specified in Schedule "A" of the Master Rates Bylaw, an authorized employee will remove the meter and give it a proper bench test.
- (a) If the meter is found to over read by more than three percent (3%), the person shall be refunded their deposit.
 - (b) If the meter is found to be reading within three percent (3%) it shall be considered adequate, and the person shall forfeit the deposit paid to the Municipal District of Bonnyville No. 87 to cover the costs of removal and testing of the meter.
- 2.7 No person shall:
- (a) Interfere with, cut, or remove the wire seal on a water meter, valve, or outside readout, or disconnect a meter or do anything which may prevent or impede the flow of water through a meter, or which may affect the proper operation of the water meter;
 - (b) Waste, dispose of, give away, permit to be taken, or sell water from the municipal water system without the Municipal District of Bonnyville No. 87's permission; or

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- (c) Make any connection to the municipal water system unless they have written authorization from the Municipal District of Bonnyville No. 87 to do so.
- 2.8 The Municipal District of Bonnyville No. 87 reserves the right to shut off the supply of water to any customer in accordance with municipal legislation.
- 2.9 To maintain adequate water supply the Chief Administrative Officer may impose restrictions on the use of water. No customer shall contravene a municipal water restriction unless a permit has first been obtained from the Municipal District of Bonnyville No. 87.
- 2.10 The Chief Administrative Officer, at their discretion, may upon written request, issue a written permit to a customer for water usage that exceeds a municipal water restriction. Such permit shall be clearly displayed upon the premises for which it was issued.
- 2.11 No wells or other sources of water supply shall be used in an area serviced by the municipal water system unless authorized by the Municipal District of Bonnyville No. 87.
- 2.12 Except when provided for in this Bylaw, no persons other than authorized employees of the Municipal District of Bonnyville No. 87 shall open, close, operate, or interfere with any valve, hydrant, fire plug, or water service valve.
- 2.13 Members of the Bonnyville Regional Fire Authority are authorized to use the hydrants or plugs for the purpose of extinguishing fires or for making trial testing of hose pipe, or for fire protection. However, all such usage must be under the direction and supervision of the said Regional Fire Chief or his/her duly authorized delegate, and in no event shall any inexperienced or incompetent persons be permitted to manipulate or control in any way any hydrant or plug.
- 2.14 No person shall in any manner obstruct the free access to any hydrant, valve or stop cock. No vehicle, building, rubbish, or any other matter which would cause such obstruction from the street in which the hydrant is located shall be within five (5) meters of the hydrant in the direction parallel with the said property line.
- 2.15 The premises owner shall be responsible for the maintenance of the water service line on their property. Any costs incurred by the Municipal District of Bonnyville No. 87 in maintaining water service lines on behalf of the owner shall be recoverable from the owner in the same manner, and subject to the same penalties, as taxes levied by the municipality.

3 SEWER SERVICE

- 3.1 Upon receipt of an application in writing, and when applicable, the payment of a sewer service fee as specified in Schedule "A" of the Master Rates Bylaw, by the owner of any premises within the Municipal District of Bonnyville No. 87, the municipality shall supply those premises with sewer service provided that:
 - (a) The premises to be serviced conforms to municipal legislation; and

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- (b) The supply of sewer services be subject to the terms and conditions of this Bylaw and municipal legislation.
- 3.2 Upon occupancy of a premises where water is not connected, the Municipal District of Bonnyville No. 87 shall charge the customer the current sewer rate as specified in Schedule "A" of the Master Rates Bylaw.
- 3.3 Landowners not directly adjacent to the municipal water main may connect as per municipal legislation.
- 3.4 As a condition of supplying sewer to any premises, the owner of the premises shall be responsible for the construction of the sewer service line.
- 3.5 All sewer service lines shall be constructed of materials and to the specifications approved through municipal policy. The Municipal District of Bonnyville No. 87 may refuse to connect the municipal sewer system to any sewer service line that does not meet the municipality's standards.
- 3.6 Should any person claim that any sewer service line located on municipal property is plugging or is plugged because it is not installed according to good practice the person may request that the line be inspected. Upon receipt of the request and payment for a sewer service line inspection deposit as specified in Schedule "A" of the Master Rates Bylaw, an authorized employee will open the said sewer service line by any method deemed necessary.
- (a) If it is found that the sewer service line was not properly installed, the person shall be refunded their deposit.
- (b) If the sewer service line is found to be properly installed, the person shall forfeit the deposit paid to the Municipal District of Bonnyville No. 87 and shall be liable to pay all costs incurred by the municipality in opening the said sewer service line. The said costs so incurred shall be subject to the same penalties and are collectible by the same procedures as taxes levied by the municipality.
- 3.7 The Municipal District of Bonnyville No. 87 shall assume the full responsibility and costs for the maintenance and repair of sewer service lines from the property line to the sewer main. The premises owner shall be responsible for the maintenance of sewer service lines on their property. Any costs incurred by the municipality in maintaining sewer service lines on behalf of the owner shall be recoverable from the owner in the same manner, and subject to the same penalties, as taxes levied by the municipality.
- 3.8 The Municipal District of Bonnyville No. 87 reserves the right to disconnect any sewer service line in accordance with municipal legislation.
- 3.9 No person shall:
- (a) Throw, deposit, or leave in/or upon any sewer or any trap, basin, grading, manhole, or other appurtenance of any sewer:
- i. any butcher's offal, garbage, litter, manure, rubbish, sweepings, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, paper, rags, cinders, ashes, or refuse matter of any kind with the exception of feces, urine,

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the necessary bathroom tissue, wastewater, and slops properly discharged through a house sewer into the municipal sewer system;

- (b) Turn, lift, remove, raise, or otherwise tamper with the cover of any manhole, ventilator, or other appurtenance of any sewer, with the exception of authorized employees;
- (c) Interfere with the free discharge of any municipal sewer, or any part thereof, or do any act or thing which may impede or obstruct the flow or clog up any municipal sewer or appurtenance thereof;
- (d) Make any connection to, or cut, or otherwise tamper in any way with the Municipal District of Bonnyville No. 87's sewer system unless they have written authorization from the municipality to do so; or
- (e) Permit, or cause, to be discharged into any sewer system:
 - i. any chemical refuse, or trade waste, waste steam, condensing water, cooling water, flammable material, or explosive material,
 - ii. contents of any privy, vault, manure pit, or cesspool; or
 - iii. any liquid or liquids (including, but not limited to storm water, roof drainage, weeping tile drainage, cistern or tank overflow, or any liquid of a higher temperature than 77 degrees Celsius), or other matter or substance which would prejudicially affect the sewer system or the disposal of the sewage or the free flow of the sewage.

4 WATER AND SEWER RATES

- 4.1 The Municipal District of Bonnyville No. 87 shall charge customers the water and sewer rates as specified in Schedule "A" of the Master Rates Bylaw.
- 4.2 Where the Municipal District of Bonnyville No. 87 is unable to take a reading of a water meter installed in or upon any serviced premises, for any reason whatsoever, then, for the purposes of levying the water service rate under this Bylaw, the municipality shall estimate the volume of water used at the serviced premises and shall, thereafter, make any adjustments to future water service charges when a reading of the water meter can be made by an authorized employee.

5 BULK WATER

- 5.1 Rates for bulk water will be charged in accordance with Schedule "A" of the Master Rates Bylaw.
- 5.2 The bulk water deposit shall:
 - (a) Accrue interest at the rate specified in Schedule "A" of the Master Rates Bylaw and the interest shall be added to the service deposit on December 31st of each year;

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- (b) Be applied to any unpaid amounts upon termination of the service by the customer, or by the Municipal District of Bonnyville No. 87 with any amount remaining after the account is paid in full being refunded to the customer; and
 - (c) If unclaimed after termination of the service, be dealt with in accordance with Section 611 of the Municipal Government Act, R.S.A. 2000, c. M-26.
- 5.3 Upon termination of the account, the deposit shall be returned to the customer less any outstanding amounts as outlined in Section 5.4(b).
- 5.4 Any utility bill, or portion thereof, that remains unpaid after the last day of the month in which the said bill was issued by the Municipal District of Bonnyville No. 87 shall have an added penalty charge in accordance with Schedule "A" of the Master Rates Bylaw.
- 5.5 The Municipal District of Bonnyville No. 87 reserves the right to suspend or terminate any Bulk Water Servicing Agreement at any time.

6 GENERAL

- 6.1 No person shall obstruct or prevent an authorized employee from carrying out any or all provisions of this Bylaw.
- 6.2 Customers opening a new account who are indebted to the Municipal District of Bonnyville No. 87 for utility services previously supplied will not be entitled to receive utility services until satisfactory arrangements have been made for payment of such outstanding accounts.
- 6.3 When a customer requests that an authorized employee attend their premises with respect to any matter relating to the supply of utility services or the servicing of the same, and if the call is for failure of service not caused by the Municipal District of Bonnyville No. 87, the customer shall pay a fee as per Schedule "A" of the Master Rates Bylaw.
- (a) All after hour and weekend callouts and equipment charges will be applied in accordance with Schedule "A" of the Master Rates Bylaw.

7 PENALTIES

- 7.1 Any utility bill, or portion thereof, that remains unpaid after the last day of the month in which the said bill was issued by the Municipal District of Bonnyville No. 87 shall have an added penalty charge equal to 10 percent of the unpaid amount.
- 7.2 Should any utility bill, or portion thereof, remain unpaid for more than 90 days following the date of the bill, the Municipal District of Bonnyville No. 87 will add the outstanding amount to the tax roll of the property after giving reasonable notice of its intention to do so.
- 7.3 Where it has become necessary to disconnect a water and/or sewer service for non-payment of a utility bill, the service shall be reconnected in accordance with municipal legislation.

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- 7.4 If a customer is in default of payment of any water and/or sewer charges, the Municipal District of Bonnyville No. 87 may enforce payment by action in any court of competent jurisdiction, or alternatively by distress upon seizure of goods and chattels of the customer, or alternately by making the water and sewer charges in default a charge against or lien upon the properties served by these utilities, and in the event the charge or lien is so made it shall be subject to the same penalties and shall be collectible by the same procedures as taxes levied by the municipality.
- 7.5 Every person who contravenes any provision of this Bylaw is guilty of an offence and shall be liable on summary conviction to the penalty specified in Schedule "A" attached to and forming part of this Bylaw for such offence.
- 7.6 The Bylaw Enforcement Officer shall have the authority to levy penalties for contraventions with respect to this Bylaw in accordance with Schedule "A" of this bylaw.

8 REPEAL

- 8.1 Upon third reading of Bylaw No. 1848, Bylaw No. 1666 and all amendments thereto are hereby repealed.

9 SEVERABILITY

- 9.1 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 the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid and enforceable.

10 EFFECTIVE DATE

- 10.1 That this Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

READ A FIRST TIME IN COUNCIL THIS 28th DAY OF NOVEMBER, 2023.

READ A SECOND TIME IN COUNCIL THIS _____ DAY OF _____, 2023.

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READ A THIRD TIME IN COUNCIL THIS _____ DAY OF _____, 2023.

REEVE

CHIEF ADMINISTRATIVE OFFICER

DRAFT

BYLAW NO. 1848**Schedule "A"****Penalties**

OFFENSES	APPLICABLE SECTION	SPECIFIED PENALTY	
		1ST OFFENSE	2ND AND SUBSEQUENT OFFENSES
WATER SERVICE			
Interfering with the proper operation of a water meter.	2.13(a)	\$ 200.00	\$ 500.00
Unauthorized waste, disposal, or sale of municipal water.	2.13(b)	\$ 200.00	\$ 500.00
Unauthorized connection to the municipal water system.	2.13(c)	\$ 200.00	\$ 500.00
Contravening a municipal water restriction.	2.15	\$ 100.00	\$ 250.00
Use of an unauthorized water source in a serviced area.	2.17	\$ 100.00	\$ 250.00
Unauthorized operation or interference with a valve, hydrant, fire plug, or water service valve.	2.18	\$ 100.00	\$ 200.00
Obstructing access to a fire hydrant, valve, or stop cock.	2.20	\$ 50.00	\$ 75.00
SEWER SERVICE			
Improper deposit in/on sewer appurtenances.	3.14(a)	\$ 100.00	\$ 250.00
Tampering with a sewer appurtenance.	3.14(b)	\$ 50.00	\$ 75.00
Impeding or obstructing the flow of a municipal sewer.	3.14(c)	\$ 100.00	\$ 250.00
Unauthorized connection to, or tampering with, a municipal sewer system.	3.14(d)	\$ 200.00	\$ 500.00
Improper discharge of a dangerous substance into the municipal sewer system.	3.14(e)i.	\$ 500.00	\$1,000.00
Improper discharge of a specified substance into the municipal sewer system.	3.14(e)ii. 3.14(e)iii.	\$ 250.00	\$ 500.00

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OFFENSES	APPLICABLE SECTION	SPECIFIED PENALTY	
		1 ST OFFENSE	2 ND AND SUBSEQUENT OFFENSES
GENERAL			
Obstruction of an authorized employee.	6.2	\$ 250.00	\$ 500.00
All other contraventions of this Bylaw		\$ 100.00	\$ 250.00
Note: Penalties for a second or subsequent offence may only be charged if the person has been found guilty or has voluntarily paid a penalty for the same offence within the previous two (2) years.			