

BYLAW NO. 792

BEING A BYLAW OF THE TOWN OF MAYERTHORPE FOR THE PURPOSE OF INCORPORATING ALL WATER AND SEWER BYLAWS INTO ONE COMMON BYLAW.

WHEREAS, recognizing that water is a non-renewable resource it is deemed necessary and advisable to make provisions for the establishment of a scale of water rates or charges for water and sewer supplied from the water supply and distribution system of the Town and to meet the cost of maintaining and operating the said system, and

WHEREAS, all waterworks belonging to the Town, now laid down, constructed or built shall be under direct control and management of the subject to the authority of the Town Council, and

WHEREAS, under and by virtue of the authority vested in the Council of the Town of Mayerthorpe, according to Division 3 of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 with amendments in force as of March 21, 1996,

NOW THEREFORE, the Municipal Council of the Town of Mayerthorpe duly assembled, enact as follows:

SECTION I:

DEFINITIONS

1. "Person" means firm, corporation, owner, occupier, lessee or tenant.
2. "Water Service Line" means that line from the building to the main in the street.
3. "Street Main" means that portion of land on which any water main is laid for the service of more than one person.
4. "Authorized person" means any employee of the Town of Mayerthorpe who directly employed or employed indirectly by means of a management control contract.
5. "Town" shall mean the Town of Mayerthorpe or its duly authorized representatives.
6. "Owner" shall mean the person shown as assessed owner of the property, or building, or the owner of the utility service itself unless specified otherwise.
7. "Tenant" shall mean that person who rents or leases property and occupies same.
8. "Consumer" shall mean that person utilizing the utility service whether it be Owner or Tenant.

SECTION II:

WATERWORKS

1. No person except authorized employees of the Town shall make any connection whatsoever with any of the public pipes or mains in the public thoroughfare of the Town.
2. All water service lines or pipes laid in private property, between the property line and the meter, shall be of the same material or better quality as the service pipe in the street between the water main and property line. No connection may be made to the water service pipe between the property line and the meter.
3. 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.
4. All meters shall be supplied, owned, installed and maintained by the Town unless written approval to the contrary is first obtained from the Town.

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5. 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.
6. 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 own expense.
7. 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.
8. 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.
9. 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.
10. No branch line or fire line shall be taken off the service pipe prior to the meter without the written consent of the Town Administrator and upon the approval of same, the Town shall apply a wire and seal to ensure that no bypassing occurs.
11. The owner shall provide adequate protection for the meter against frost, heat or any other internal or external damage. The Town may assess costs against the owner for repair or replacement of a meter so damaged.
12. 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 Municipal Manager.
13. If a consumer is doubtful regarding the accuracy of a meter the Town may remove and test same, but the consumer shall be liable to a charge of \$25.00, and if the meter is found to be inaccurate the full charge of \$25.00 shall be refunded to the consumer.
14. Any person interfering with the seals or tampering with any meter shall be liable to penalties as laid down in this bylaw.

REMOTE READING DEVICES

1. All buildings which require water meters and for which Building Permits are issued shall have provision on the outside of the building in a convenient location between five (5) and six (6) feet above grade at the front or sides of the building nearest the driveway, a place for installation of a remote reading device by the Town and for this purpose the user shall install a double no. 20 electrical wire in accordance with appropriate regulations from the place of the water meter to the place of the remote reading device.
2. Any user shall be responsible for damage of the meter and remote reading device which may result from other than normal wear and tear.
3. Any other consumer requesting the installation of a remote reading device on their premises will be required to comply with the above regulations and shall be responsible for the installation of the wiring, and the payment to the Town for the remote reading device. Ownership of the meter and remote reading device and any apparatus thereto remains with the Town.
4. The Town does not assume any responsibility for any damages to the premises due to the installation of such wiring. The Town will install the remote reading device on the outside of the premises. All other conditions of the remote reading device shall apply.

METER DEPOSIT

1. The meter deposit rate shall be established at \$75.00 and shall continue for a period of twelve (12) months, at which time the Town Administrator will review the deposit.
2. Payment of the above water deposit is required prior to hookup.
3. Hookups will be made only at the request of the Property Owner.
4. With respect to rental property, the owner will be billed for water usage, as the property owner is ultimately responsible to the Town for the account.

RECONNECTION FEE

1. All accounts being in arrears in excess of more than sixty (60) days shall be given notification that unless their account is paid up within fifteen (15) days it will be shut off. A payment of \$25.00/hour shall be charged and all arrears be paid before same can be reconnected.

WELLS AND OTHER WATER SUPPLY SOURCES

1. No well or other source of water except Town water mains shall be used in the Town without a permit obtained from the Council for that purpose. All persons having charge of or being owners or occupiers of premises containing a well or other source of water supply other than that of the water mains of the Town may apply to the Council for a permit to use the water in such well or other source of supply of water, and such application must be approved by the Aspen Regional Health Authority. No such permit shall be granted in connection with any premise abutting a street, avenue, lane or road upon which there is a Town water main unless the supply obtainable from such water main is inadequate.
2. If the use of any such well or other source of supply is continued contrary to the provisions of this bylaw, forty eight hours after notice to discontinue the use of same has been given by the Town Manager to the owner or occupier of the premises in which it is situated, such well or other source of supply of water may be declared a nuisance and danger to the public's health and safety, and shall be removed, filled up, or otherwise abated.

WATER RATION

1. Where the Town may have breakage, leakage or other shortage of supply, the Town Administrator 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.
2. 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:	\$ 25.00
Second Offense:	50.00
Third and subsequent offenses:	100.00

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

3. The Town shall not be liable for loss of business arising from the turning off of water whether the shut off was due to an emergency or non-emergency reason.

HYDRANTS AND VALVES

1. Except as hereinafter provided, no person other than authorized employees of the Town shall open or close or operate or interfere with any valve, hydrant or fire plug, or draw water therefrom.
2. The Fire Chief of the Town Fire Department, his/her assistants and officers and members of the Fire Department are authorized to use the hydrants or plugs for the purpose of extinguishing fires, or for making hose pipe trials or for fire protection, but all shall be under the direction and supervision of the said Chief or his/her duly authorized assistants, and in no event shall any inexperienced person be permitted to manipulate or control in any way, any hydrant or plug.
3. The Town shall assume full responsibility and costs for any service line which hereinafter may be frozen between the property line and the street main. Any water service line frozen between the property line and the meter shall be the responsibility of the person owning the said property. Any costs incurred the Town in thawing frozen lines or breaks in the said water lines on behalf of any person, the cost of same shall be recoverable and subject to the same penalties in the same manner as taxes.

SECTION III:

WATER RATES

1. The monthly rate for water will be \$18.20 for consumption up to 2,000 imperial gallons.

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2. The rate per thousand imperial gallons over the minimum will be set as follows:
 - a) 2,001 to 10,000 gallons - \$ 4.00
 - b) 10,001 to 50,000 gallons - \$ 3.00
 - c) 50,001 gallons and over - \$ 2.75
3. The rate per month for sewer will be set at \$3.80 minimum and \$1.65 per thousand gallons usage thereafter.
4. An assessment of \$4.00 will be added to each monthly billing to cover the cost of replacing problem water lines on an annual basis.
5. A penalty of eight percent (8%) will be added to all accounts remaining unpaid at the end of the current month.

SECTION IV:

MISCELLANEOUS

1. All consumers shall keep and maintain service piping in proper working condition and free from leaks and shall keep and maintain a control valve of approved pattern placed immediately inside the outer wall of the premises.
2. No consumer shall allow or permit any undue wastage of water and the Council may order the disconnection of any service of any consumer for failure to comply with the provisions of this Bylaw or any regulations hereafter passed by the Council governing the use of the water system.

SECTION V:

PENALTIES

1. Any person violating any of the provisions of this Bylaw No. 792 of the Town of Mayerthorpe in the Province of Alberta is guilty of an offence and liable on summary conviction:-
 - a) for a first offence, to a fine of not more than twenty five dollars (\$25.00) and costs, and
 - b) for a second offence, to a fine of not more than fifty dollars (\$50.00) and costs, and
 - c) for a third and subsequent offence, to a fine of not more than one hundred dollars (\$100.00) and costs.

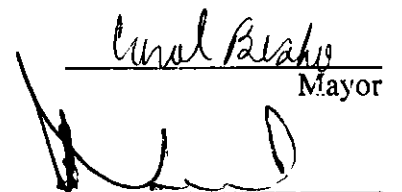
SECTION VI:


THAT THIS BYLAW REVOKE AND RESCIND ALL PREVIOUS BYLAWS, NO. 618, 662, 682, 752 AND 692 PERTAINING TO WATER AND SEWER AND TAKE FORCE AND EFFECT AS OF THE DAY OF THE FINAL PASSING THEREOF.

READ a FIRST time in Council assembled this 23 day of June, 1997.

READ a SECOND time in Council assembled this 07 day of July, 1997.

READ a THIRD time in Council assembled and Passed this 07 day of July, 1997.



Mayor


Town Manager