

Town of Mayerthorpe  
Province of Alberta  
Canada.

**BYLAW NO. 957**

**BEING A BYLAW OF THE TOWN OF MAYERTHORPE TO AUTHORIZE THE MUNICIPAL COUNCIL OF THE TOWN OF MAYERTHORPE TO PROVIDE FOR THE ESTABLISHMENT OF UTILITY SERVICES**

**WHEREAS**, pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26, and amendments thereto, the Council may pass Bylaws respecting 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 and sanitary sewage.

**NOW THEREFORE**, the Council of the Town of Mayerthorpe in the Province of Alberta, duly assembled, hereby enacts as follows:

1) SHORT TITLE

This Bylaw shall be cited as the "Utilities Bylaw".

2) DEFINITIONS

- 2.1 "Person" means institution, firm, corporation, owner, occupier, lessee or tenant.
- 2.2 "Public Utility" means the system or works of a public utility operated by the Town
- 2.3 "Mayor" means the Chief Elected Official of the Town.
- 2.4 "Owner" shall mean the person shown as assessed owner of the property, or building, or the owner of the utility services itself unless specified otherwise.
- 2.5 "Service Connection" means the part of the system or works of a public utility that runs from the main lines of the public utility to a building or other place on a parcel of land for the purpose of providing the utility service to the parcel and includes those parts of the system or works including the pipes running up to the building, located on or within the exterior walls of the building, and running from the exterior walls to couplings, stop-cocks, meters and other apparatus placed inside the building by the municipality providing the public utility.
- 2.6 "Main Lines" water and sewer main lines within the portion of road or easement that are laid for the service of the municipality.
- 2.7 "Authorized Person" means any employee of the Town of Mayerthorpe who is directly employed or employed indirectly by means of a management control contract.
- 2.8 "Town" shall mean the Town of Mayerthorpe, its designated officers, or its duly authorized representatives.
- 2.9 "Tenant" shall mean that person who rents or leases property and occupies same.
- 2.10 "Consumer" shall mean that person utilizing the utility service whether it be the Owner or Tenant.
- 2.11 "Arrears" account balance which is unpaid after the due date shown on the invoice.

3) WATER WORKS

- 3.1 No Person except the Town shall make any connection whatsoever to the Public Utility within the public thoroughfare, roads or right of ways under the direction and control of the Town.
- 3.2 All Service Connections constructed within private property, between the property line and the meter, shall be of the same material or better quality as the Service Connection in the street between the Main Lines and property line. No connection may be made to the Service Connection between the property line and the meter.

- 3.3 Every Service Connection connected to the Town Main Lines 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.
- 3.4 All meters shall be supplied, owned, installed by the Town unless written approval to the contrary is first obtained from the Town.
- 3.5 The size of each meter to be installed and the dimension for all meter connections shall be determined by the Town. Information as to the sizes and dimensions shall be obtained from the Town.
- 3.6 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 their own expense.
- 3.7 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.
- 3.8 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.
- 3.9 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 to install, inspect, repair and read, the meter or anything of a similar nature.
- 3.10 No branch line or fire line shall be taken off the Service Connection prior to the meter without the written consent of the Town and upon the approval of same, the Town shall apply a wire and seal to ensure that no bypassing occurs.
- 3.11 The Owner shall provide adequate protection for the meter against frost, heat, pets, or any other internal or external damage. The Town may assess costs against the Owner for repair or replacement of a meter so damaged.
- 3.12 Where a chamber is required to meter a building or property, it shall be constructed and maintained by the Owner, as per specification provide by the Town. Any Owner requesting to construct a chamber must receive the prior approval of the Town.
- 3.13 If a Consumer is doubtful regarding the accuracy of a meter the Town may remove and test, but the Consumer shall be liable to a charge of \$75.00, payable in advance, and if the meter is found to be inaccurate the full charge of \$75.00 shall be refunded to the Consumer.
- 3.14 Any Person interfering with the seals or tampering with any meter shall be liable to penalties as laid down in this bylaw.

#### 4) REMOTE READING DEVICES

- 4.1 All buildings which require water meters, and for which Development 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 Owner 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.
- 4.2 The Owner shall be responsible for damage of the meter and remote reading device which may result from other than normal wear and tear.
- 4.3 Any Owner 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.

4.4 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.

5) RECONNECTION FEE

5.1 All accounts being in arrears shall be given notification that unless their account is paid up within five (5) days from the date of the letter of notification, then water service will be shut off. A payment of \$25.00/hr shall be charged and all arrears be paid before the services can be reconnected.

5.2 The Town shall have the authority to negotiate the terms of payment of arrears.

6) WELLS AND OTHER WATER SUPPLY SOURCES

6.1 No well or other water source except the Public Utility shall be used in Town, without a permit obtained from Council for that purpose. All persons having charge of or being Owners or Tenants of premises containing a well or other source of water supply other than that of the Public Utility of the Town may apply to 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 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 Public Utility unless the supply obtainable from such Public Utility is inadequate.

6.2 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 to the Owner or Tenant 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.

7) WATER RATION

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

7.2 There shall be two levels of water rationing: Level One (serious water shortage) and Level Two (critical water shortage).

7.3 Level I strictly prohibits the outdoor sue of sprinklers, automated watering systems, and other mechanical devices. Manual watering (e.g. using a garden hose or a watering can) will be permitted during Level One rationing status.

7.4 Level Two strictly prohibits all outside watering, regardless of damage to flowers, shrubs, and newly laid-sod.

7.5 The Town, in consultation with the Mayor, shall have the authority to declare Level One or Level Two status, to change the status levels, or rescind the water rationing restrictions.

7.6 In all situations, the Town shall advertise appropriately to inform the public of status changes. Direct mail-outs, using the Mayerthorpe post offices boxes, shall be deemed to be sufficient notice.

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

First Offence:	\$ 50.00
Second Offense:	\$100.00
Third and Subsequent Offences:	\$150.00

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

7.8 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.

8) HYDRANTS AND WATER VALVES

8.1 Except as hereinafter provided, no person other than the Town shall open or close or operate or interfere with any valve, hydrant or fire plug, or draw water therefrom.

8.2 The Town Fire Chief, 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 Fire Chief or his /her duly authorized assistants.

8.3 The Town shall assume full responsibility and costs for any Service Connection which hereinafter may be frozen between the property line and the Main Line. Any Service Connection frozen between the property line and the meter shall be the responsibility of the Owner of the said water lines, the costs of same shall be recoverable and subject to the same penalties in the same manner as taxes.

9) BULK WATER

9.1 All new or renewed accounts for use of the bulk water filling station shall be subject to a \$50.00 non-refundable set up and administration fee.

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

9.3 Any un-paid account which remains in arrears for a period of more than 45 days shall be subject to termination.

9.4 Any reactivation of an un-paid account after payment of over due funds will be subject to a \$100.00 non refundable re-activation fee.

10) SANITARY SEWER

10.1 No Person shall injure, break or remove any portion of the Public Utility or its appurtenances or throw or deposit or cause to be thrown or deposited in any sewer opening or receptacle connected with the Public Utility, any garbage, offal, dead animal, vegetable parings, ashes, cinders, rags, oil or any other matter of thing.

10.2 No Person 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 Public Utility or where there is a reasonable chance that such a release will enter the Public Utility.

11) WATER, SEWER, AND INFRASTRUCTURE RATES

11.1 The monthly rate for water will be \$22.20 for consumption up to 2,000 imperial gallons.

11.2 The rate per thousand imperial gallons over the minimum will be set as follows:

- i) 2,001 gallons and over - \$4.00
- ii) 10,001 to 50,000 gallons - \$3.00
- iii) 50,001 gallons and over - \$2.75

11.3 The minimum rate for bulk water is \$22.20 up to 2,000 gallons and \$4.00 per 1,000 gallons thereafter.

11.4 The rate per month for sewer will be set at \$6.58 minimum and \$4.50 per thousand gallons usage thereafter.

11.5 The Infrastructure replacement rates will be based on land use classification per the Town's Land Use Bylaw.

11.6 The monthly rate for infrastructure replacement will be set as follows:

i) Water Line

R-1 Residential – Single Detached	\$ 2.50
R-2 Residential – Mixed Housing	\$ 5.00
R-3 Residential – Medium Density	\$ 10.00
R-4 Residential – High Density	\$ 15.00
RMHS – Manufactured Housing Subdivision	\$ 2.50
RMHC – Res. Manufactured Home Court	\$ 90.00
Direct Control	\$ 2.50
C1 – Commercial Office Retail	\$ 10.00
C2- Commercial Secondary	\$ 25.00
C3 – Commercial Vehicle Oriented	\$ 35.00
M – Industrial General	\$ 75.00
US – Urban Services	\$125.00
P – Recreational	\$Exempt

ii) Sewer Line

R-1 Residential – Single Detached	\$ 3.40
R-2 Residential – Mixed Housing	\$ 6.80
R-3 Residential – Medium Density	\$ 13.50
R-4 Residential – High Density	\$ 20.25
RMHS – Manufactured Housing Subdivision	\$ 3.40
RMHC – Res. Manufactured Home Court	\$121.50
Direct Control	\$ 3.40
C1 – Commercial Office Retail	\$ 13.50
C2- Commercial Secondary	\$ 33.75
C3 – Commercial Vehicle Oriented	\$ 47.25
M – Industrial General	\$101.25
US – Urban Services	\$168.75
P – Recreational	\$Exempt

11.7 The revenue generated from the monthly infrastructure rate will be directed to the Water Infrastructure Reserve and Sewer Infrastructure Reserve at the end of each calendar year.

11.8 A penalty of five percent (5%) will be added to all accounts remaining unpaid at the end of the current month.

12) MISCELLANEOUS

12.1 All Consumers shall keep and maintain Service Connection 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 premise.

12.2 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.

13) PENALTIES

13.1 Any person violating any of the provision of this Bylaw is guilty of an offence and liable on summary conviction:

- i) For a first offence, to a fine of not more than fifty dollars (\$50.00) and costs, and
- ii) For a second offence, to a fine of not more than one hundred dollars (\$100.00) and costs, and
- iii) For a third and subsequent offence, to a fine of not more than two hundred dollars (\$200.00) and costs.

14) SEVERABILITY

14.1 Should any provision of this Bylaw be invalid, then such invalid provisions shall be severed and the remaining Bylaw shall be maintained.

15) ENFORCEMENT OF THIS BYLAW

15.1 The Town is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Town may take into account any practical concerns, including available municipal budget and personnel resources.

16) REPEAL

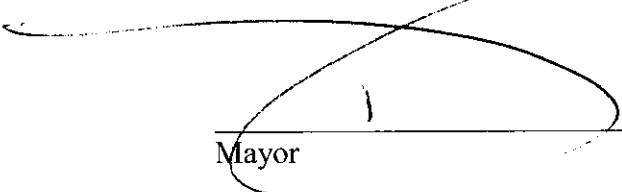
16.1 Bylaw No. 792, Bylaw No. 850, Bylaw No. 865, and Bylaw No. 934 are hereby repealed.

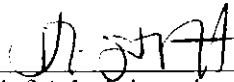
This bylaw shall take effect on January 1, 2011.

Read a first time this 12<sup>th</sup> day of October A.D. 2010

Read a second time this 12<sup>th</sup> day of October A.D. 2010

Read a third time and duly passed this 12<sup>th</sup> day of October A.D. 2010

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer