

**Any TOWN OF PROVOST
BYLAW NO 03/2022**

BEING A BYLAW OF THE COUNCIL OF THE TOWN OF PROVOST TO PROVIDE FOR THE REGULATIONS REGARDING THE SUPPLY AND DISTRIBUTION OF WATER, THE COLLECTION AND DISPOSAL OF SEWERAGE AND COLLECTION AND THE LEVYING AND COLLECTING OF FEES FOR WATER AND SEWERAGE WITHIN THE TOWN OF PROVOST.

WHEREAS pursuant to the Municipal Government Act, R.S.A., 2000 and amendments thereto the Council of the Town deems it appropriate and necessary to:

- i) provide a system for the supply and distribution of Water;
- ii) provide a system for the Sewerage;

AND WHEREAS the Town has:

- i) provided a system for the supply and distribution of Water;
- ii) provided a system for Sewerage;

NOW THEREFORE THE COUNCIL OF THE TOWN OF PROVOST DULY ASSEMBLED ENACTS AS FOLLOWS:

1. TITLE

1.1 This Bylaw shall be known as the "Utility" Bylaw.

2. DEFINITIONS

2.1 When not inconsistent with the context word used in the present tense include the future, words in the plural shall include the singular and vice versa and all words and terms are considered to be gender neutral.

2.2 In this Bylaw the following terms, phrases, words and their derivatives shall have the meanings given herein

2.3

A) "Act" means the Municipal Government Act, Statutes of Alberta 2000, Chapter M26 and all subsequent amendments thereto.

B) "Boulevard" means any part of a roadway that is:

- i. Not generally used for vehicular traffic; and
- ii. Is that part of the roadway that is not especially adapted to the use of or ordinarily used by pedestrians

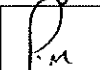
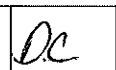
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- C) "Commercial Establishments" means all buildings or developments which are not considered to be Householders and shall include businesses, institutions, recreational facilities, government and industrial establishments.
- D) "Council" means the Council of the Town of Provost.
- E) "Due Date" means the date shown on the bi-monthly invoice issued by the Town.
- F) "Service Fees" means the fee established by the Town for the provision of Water, Sewerage
- G) "Sewerage" means the removal and disposal of sewage.
- H) "Town" shall mean the Town of Provost.
- I) "Town Administrator" means the Chief Administrative Officer for the Town of Provost and whatever subsequent title may be conferred on that officer by Council or statute.
- J) "Violation Ticket" shall mean a ticket as defined in Part 2 of the Provincial Offences Procedures Act or a Town of Provost Bylaw Ticket.
- K) "Water" shall mean potable Water as produced and distributed by the Town.

3. SERVICE FEES - RULES AND REGULATIONS

- 3.1 Service Fees shall include all fees pertaining to provision of Water & Sewerage that is done by the Town or under contract for the Town by the Collector.
- 3.2 Service Fees shall be levied and collected bi-monthly from all Householders and Commercial Establishments being provided with a particular service within the Town.
- 3.3 Service Fees and Charges for Water & Sewerage will be established in the Rates & Fees Bylaw.
- 3.4 Service Fees shall be placed as a separate charge for Water & Sewerage on the utility billings issued by the Town.

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- 3.5 All accounts are due and payable as established by the Due Date shown on the utility billing issued by the Town, with payment to be made at the Town Office, or at such other place as designated from time to time by Council.
- 3.6 In the event a utility billing remains unpaid on the Due Date, there shall be added thereto by way of penalty, an amount which shall be two and one half percent (2 ½%) of the unpaid closing utility billing. The said penalty shall be added to and shall form part of the unpaid utility billing.
- 3.7 Failure to receive a billing does not affect the liability of the consumer to pay the account.
- 3.8 Service Fees where there is no utility account or where the consumer is levied a Water levy but no sanitary sewer levy or vice versa shall be in accordance with 3.3, 3.4, and 3.5 of this Bylaw.
- 3.9 In the event a utility billing account remains unpaid for two (2) consecutive billing periods, the Town Administrator or his/her designate shall attempt to contact the customer advising the Water service may be shut off unless the account is paid in full within forty eight (48) hours of the date the notice was placed.
- 3.10 If after the forty eight (48) hour period as provided for in 3.9 of this bylaw has elapsed and the account remains unpaid the Town Administrator or his/her designate shall request the Water service to be turned off unless, in the opinion of the Town Administrator or his/her designate, there are extenuating circumstances In which case the matter shall be referred to the Operations Committee for direction as to how to proceed.
- 3.11 In the event a Water service has been turned off as provided for in clause 3.10 of this bylaw there shall be added to the customers account a disconnection fee as per the Rates & Fees bylaw . In addition when the customer requests the Water to be reconnected they shall be charged a reconnection fee and all fees and past due charges must be paid in full prior to reconnection of the Water service.
- 3.12 Any unpaid utility billings by an owner shall be the liability of the owner of the property and shall constitute a debt chargeable to the property in the same manner as taxes, and may be collected and penalized in the same manner as taxes by being added to same.
- 3.13 The Owner of property shall be responsible for all of the fees for water and sewer.

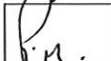

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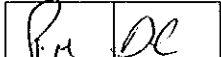
- 3.14 As flat fees are charged for the maintenance and upkeep of the water and sewerage systems the fee will be charged whether a property is occupied or not, or in use or not.

4. WATER AND SEWAGE SERVICE RULES AND REGULATIONS

- 4.1 All residential units and Commercial Establishments shall be provided with potable Water for consumption via the Town of Provost Water system.
- 4.2 With the approval of Council and any applicable Provincial regulations, the Town may install water wells for recreational properties for irrigation purposes.
- 4.3 All Householders and Commercial Establishments shall if a Sewerage system is available be required to connect to the Town Sewerage system.
- 4.4 All Householders and Commercial Establishments connecting to the Town's Sewerage system shall be required to install a backflow prevention valve.
- 4.5 All Householders and Commercial Establishments shall if a potable water system is available be required to connect to the Town water system.
- 4.6 All Commercial & Industrial Establishments connecting to the Town's water system shall be required to install a backflow prevention valve. All Industrial and Commercial Establishments upgrading their connection to the Town's water system shall be required to install a backflow prevention valve.
- 4.7 A meter rental fee is required for a residential or commercial customer prior to the Water being connected. This deposit is refundable to the depositor on their request for discontinuance of service and provided all accounts are fully paid.
- 4.8 All property owners requesting a water and/or sewerage service, after completion of the initial installation of water and sewerage mains, are responsible for the entire cost of said service installations from the main to their building. These costs shall include having any excavation backfilled with gravel and the street pavement (if present) repaired to the satisfaction of the Town Superintendent of Public Works. Any cost incurred by the Town to correct any deficiencies and which are not paid by the property owner shall be collectible in the same manner and subject to the same penalties as taxes.
- 4.9 This deposit shall be paid interest at the rate of zero (0%) percent.

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- 4.10 Should a depositor advise the Town he is moving to a new location within Provost the options available to the depositor are:
- A) He/she may request the Town read the meter at the location from which he/she is moving and any balance remaining to be paid to the Town may be paid in full at which time the deposit may be transferred to the new property in full amount;
 - B) He/she may request the Town read the meter at the location from which he/she is moving and any balance remaining to be paid to the Town shall be deducted from the deposit and the deposit may then be transferred to the new property and the depositor will be required to pay sufficient funds to bring the deposit on hand to the full meter rental fee deposit prior to the new service being connected.
- 4.11 The Town may request forty-eight (48) hours' notice of connection, reconnection or discontinuance of service.
- 4.12 All owners, tenants or occupiers of a unit shall give every facility for the introduction, placing, inspection and reading of such meter, and shall protect the meter from interference or injury by frost or otherwise, and shall be liable for any damage which may occur to the meter.
- 4.13 All Owners of property permitting any meter to be damaged by frost shall be liable for all costs incurred in repair of the said meter. There will be a minimum repair cost for each meter so damaged. The said charges so made shall be subject to the same penalties and collectibles by the same procedure as taxes levied by the Town.
- 4.14 Claims made to the Town of meters not working properly shall be accompanied by the meter rental fee deposit before the meter will be removed from service and tested. Should the said meter be found to over read more than three (3%) percent the said person shall be refunded his deposit, however any meter that meets the required previously stated limitations shall be considered to be adequate and the deposit shall be forfeited to the Town to cover the costs of removal and testing of the meter.
- 4.15 Water services may only be turned on or off by an authorized employee of the Town.

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- 4.16 No person shall make or cause to be made any connection with any Town sewer, premise drain, or appurtenance thereof for the purpose of conveying or which may convey into same any storm or surface water collected by drainage from weeping tile, eaves trough or roof drains or sump system.

SECTION 5 – FIRE HYDRANTS

- 5.1 No person other than an authorized employee of the Town, the Fire Chief or other member of the Town of Provost Fire Department are authorized to use, open, close or operate or interfere with any valve, hydrant or fire plug, or draw Water therefrom.
- 5.2 The Fire Chief or member of the Town of Provost Fire Department are hereby authorized to use the hydrants or plugs for the purpose of extinguishing fires, or for making trial of hose pipe, or for fire protection but all uses shall be under the direction and supervision of the said Fire Chief or his/her designate.

SECTION 6 – PENALTY PROVISIONS

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and may be issued a Violation Ticket with a Specified Penalty to be the sum of Two Hundred Fifty Dollars (\$250.00) for the first offence.
- 6.2 A Violation Ticket shall be deemed to be sufficiently served if:
- i) it is served personally on the Householder or Commercial Establishment ;
 - ii) seven clear calendar days after mailing by regular mail.
- 6.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 6.4 Notwithstanding Section 7.1 of this Bylaw, any person who commits a subsequent offence under this Bylaw within one (1) year of committing the first offence may be issued a Violation Ticket with a Specified Penalty of Five Hundred (\$500.00) for each and every subsequent offence.
- 6.5 Notwithstanding Section 7.1 of this Bylaw, anyone who violates section (4.6, 13), of this by is guilty of an offence and may be issued a Violation Ticket with a Specified Penalty to be the sum of Fifty Dollars (\$50.00) for the first offence. Any person who commits a subsequent offence under Section (4.6, 13) be issued a Violation Ticket with a Specified Penalty of One Hundred (\$100.00) for each and every subsequent offence.

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- 6.6 Where a contravention of this Bylaw is on a continuing nature, a further Violation Ticket may be issued provide however, that no more than one Violation Ticket shall be issued for each day that the contravention continues.

SECTION 7 – SEVERABILITY

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

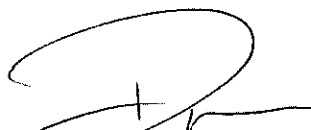
SECTION 8 – EFFECTIVE DATE AND REPEAL

- 8.1 Bylaw 06/2019 is hereby repealed upon passage of this bylaw.
- 8.2 This Bylaw shall be effective upon the passage of third reading and signing.

INTRODUCED AND READ A FIRST TIME THIS 17th day of May 2022.

READ A SECOND TIME THIS 17th day of May 2022.

READ A THIRD TIME THIS 17th day of May 2022.



MAYOR (Peggy McFadyen)



CAO (David Connauton)