



**BYLAW #2024-881
UTILITY BYLAW
VILLAGE OF CARBON
IN THE
PROVINCE OF ALBERTA**

A BYLAW REGULATING AND PROVIDING FOR THE TERMS, CONDITIONS, RATES AND CHARGES FOR THE SUPPLY AND USE OF WATER SERVICES AND WASTEWATER SERVICES PROVIDED BY THE VILLAGE OF CARBON

WHEREAS, pursuant to section 3 of the *Municipal Government Act* the purposes of a municipality include providing services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality; and

WHEREAS, pursuant to section 7(a) of the *Municipal Government Act* a council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, pursuant to section 7(g) of the *Municipal Government Act* a council of a municipality may pass bylaws for municipal purposes respecting municipal public utilities; and

WHEREAS, the Village of Carbon provides a water supply and distribution system and a wastewater collection and disposal system; and

WHEREAS, the Village of Carbon has the authority to charge property owners for the municipal public utilities and services being provided; and

WHEREAS, pursuant to section 35(3) of the *Municipal Government Act*, the Council of the Village of Carbon may, as a term of supplying the municipal utility service to the parcel of land make the owner responsible for the costs of the construction, maintenance and repair of the portion of the service connection from the main lines of the system or works to the boundary of the road or easement; and

WHEREAS, pursuant to section 37 of the *Municipal Government Act*, the owner of a parcel of land is responsible for the costs of the construction, maintenance or repair of a service connection of a municipal public utility located above on or underneath the parcel;

NOW THEREFORE the Council of the Village of Carbon, in the Province of Alberta, duly assembled, enacts as follows:

PART I - TITLE AND DEFINITIONS

Bylaw Title

1 This Bylaw shall be known as "The Utility Bylaw".

Definitions

2 In this Bylaw, unless the context otherwise requires:

- (a) **“Account”** means an agreement between a Customer and the Village for the supply of Utility Services of which the terms of this Bylaw shall form a part and includes the amounts payable from time to time by the Customer to the Village;
- (b) **“Alberta Private Wastewater Systems Standard of Practice”** means the Alberta Private Sewage Systems Standard of Practice 2015, adopted by the *Private Sewage Disposal Systems Regulation, A/R 229/97*, as amended or replaced from time to time;
- (c) **“Chief Administrative Officer”** means the Chief Administrative Officer of the Village or the Chief Administrative Officer’s delegate;
- (d) **“Council”** means the municipal council of the Village;
- (e) **“Cross Connection”** means any temporary, permanent, or potential connection of any piping, fixture, fitting, container or appliance to the Water System that may allow backflow to occur, including but not limited to: swivel or changeover devices, removable sections, jumper connections, and bypass arrangements;
- (f) **“Cross Connection Control Device”** means a testable CSA certified device that prevents the backflow of water;
- (g) **“Curb Stop”** means a valve connected to a Service Connection enabling the turning-on and shutting-off of the water supply to a Customer’s Property;
- (h) **“Customer”** means any Person receiving Utility Services and, where the context or circumstances so require, includes any Person who is named on an Account, or who makes or has made an application for Utility Services or otherwise seeks to receive Utility Services, and also includes any Person acting as an agent or representative of a Customer;
- (i) **“Dwelling”** means a private residence with sleeping and cooking facilities used or intended to be use as a residence;
- (j) **“Engineering Design Standards”** means the Village’s Minimum Engineering Design Standards, or in the absence of such standards, generally accepted municipal engineering standards;
- (k) **“Emergency”** means a condition that creates an imminent danger or a real possibility of Property damage, or personal injury, or when a condition or situation is declared to be an emergency by Council, or the Federal or Provincial Crown, or other civil authority having jurisdiction;
- (l) **“Facilities”** means any infrastructure forming part of:
 - i. the Water System, including without limitation: water treatment plants, reservoirs, pumping stations, Water Mains, Water Service Lines, bulk water stations, Curb Stops, valves, fittings, fire hydrants, chambers, Meters, Cross Connection Control Devices and all other equipment and machinery of

whatever kind owned by the Village that is used to produce and supply potable water to Customers; or

- ii. the Wastewater System, including without limitation: Wastewater treatment plants, Wastewater lagoons, pumping stations, Wastewater Mains, Wastewater Service Lines, valves, fittings, chambers, Meters, and all other equipment and machinery of whatever kind owned by the Village that is used for the collection, transmission, treatment and disposal of Wastewater;

as the context requires.

- (m) **"Hazardous Waste"** has the same meaning as in the *Environmental Protection and Enhancement Act* and any regulations thereunder;
- (n) **"Master Rates Bylaw"** means the Village's Utility Rates, Fees and Fines Bylaw, as amended or replaced from time to time;
- (o) **"Meter"** means the individual or compound water meter and all other equipment and instruments, including but not limited to, radio frequency units and remote meter reading devices supplied and used by the Village to calculate and register the amount of water consumed relative to the land and buildings that the Meter is designed to monitor;
- (p) **"Multiple Dwelling"** means a wholly or partially residential development containing more than one Dwelling, whether or not the development is within a single building;
- (q) **"Municipal Tag"** means a tag or similar document issued by the Village pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence;
- (r) **"Occupant"** means a Person occupying a Property, including a lessee or licensee, who has actual use, possession or control of the Property;
- (s) **"Owner"** means:
 - i. in the case of land, the Person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the parcel of land; or
 - ii. in the case of any property other than land, the Person in lawful possession of it;
- (t) **"Peace Officer"** includes a Bylaw Enforcement Officer appointed by the Village, a Community Peace Officer whose appointment includes enforcement of the Village's Bylaws and a member of the Royal Canadian Mounted Police;
- (u) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative to whom the context applies according to law;
- (v) **"Private Drainage Line"** means that portion of a Service Connection that extends from the property line to an improvement or location on a Customer's Property that receives, or is to receive Wastewater Services, comprised of the Customer-owned assembly of pipes, fittings, fixtures, traps and appurtenances for the collection and transmission of Wastewater into the Wastewater System;

- (w) **“Private Wastewater Disposal System”** means a system for the treatment and disposal of Wastewater that is not connected to the Wastewater System, including on-site Wastewater treatment systems as defined in the Alberta Private Wastewater Systems Standard of Practice;
- (x) **“Private Water Line”** means that portion of a Service Connection that extends from the property line to an improvement or location on a Customer’s Property that receives, or is to receive, Water Services, comprised of the Customer-owned assembly of pipes, fittings, fixtures, traps and appurtenances for providing water to a Customer’s Property, excluding the Meter owned by the Village;
- (y) **“Property”** means:
- i. in the case of land, a parcel of land including any buildings; or
 - ii. in other cases, personal property;
- (z) **“Recreational Vehicle”** means a vehicular or trailer type unit designed to provide temporary living quarters for recreational, camping, travel or seasonal use;
- (aa) **“Service Connection”** means all of the Facilities required to achieve a physical connection between:
- i. the Village’s Water Main and the structure, improvement or location that receives Water Services, to allow a Customer to receive potable water, which includes a Water Service Line and a Private Water Line; or
 - ii. the Village’s Wastewater Main and the structure, improvement or location that receives Wastewater Services, to allow a Customer to discharge Wastewater, which includes a Wastewater Service Line and a Private Wastewater Line;
- as the context requires;
- (bb) **“Terms and Conditions”** means the terms and conditions in respect of Water Services and Wastewater Services described in Schedules “A”, “B”, and “C”;
- (cc) **“Utility Services”** means Water Services or Wastewater Services or both;
- (dd) **“Utility Services Guidelines”** means those guidelines, procedures, protocols, requirements, specifications or standards adopted by the Chief Administrative Officer from time to time pursuant to Section 5 of this Bylaw;
- (ee) **“Village”** means the municipal corporation of the Village of Carbon and its duly authorized employees, agents, contractors and other representatives or the geographic area contained within the boundaries thereof, as the context requires;
- (ff) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*;
- (gg) **“Wastewater”** means the composite of water and water-carried wastes discharged from residential, commercial, industrial or institutional Properties;
- (hh) **“Wastewater Services”** includes the collection, transmission, treatment and disposal of Wastewater, as applicable, and associated services offered to the Customer under this Bylaw;

- (ii) **“Wastewater System”** means the Facilities used by the Village for the collection, transmission, treatment and disposal of Wastewater, which is deemed to be a public utility within the meaning of the *Municipal Government Act*;
- (jj) **“Wastewater Main”** means those pipes installed for the collection and transmission of Wastewater within the Village to which a Service Connection may be connected;
- (kk) **“Wastewater Service Line”** means that portion of a Service Connection owned by the Village that extends from the Wastewater Main to the property line of a Property that receives, or is to receive, Wastewater Services;
- (ll) **“Water Conservation and Demand Management Measures”** means restrictions upon the use of water for non-essential purposes, including but not limited to: irrigation, washing of vehicles, driveways or sidewalks, and any other purpose where water is utilized externally to a building and on any certain day or for a certain time period;
- (mm) **“Water Main”** means those pipes installed for the conveyance of potable water within the Village to which Service Connections may be connected;
- (nn) **“Water Service Line”** means that portion of a Service Connection owned by the Village that extends from the Water Main to the property line of a Property that receives, or is to receive, Water Service;
- (oo) **“Water Services”** means the provision of potable water by the Village to a Customer’s Property and associated services offered to the Customer under this Bylaw; and
- (pp) **“Water System”** means the Facilities used by the Village to supply potable water to Customers, which is deemed to be a municipal public utility within the meaning of the *Municipal Government Act*.

PART II - PROVISION OF UTILITY SERVICES

Other Public Utilities Prohibited

- 2 No Person shall provide a service within the Village that is similar in type to the Utility Services provided pursuant to this Bylaw.

Terms and Conditions

- 3 All Utility Services shall be provided in accordance with Schedules “A”, “B”, and “C”, as applicable.

Rates, Fees and Charges

- 4
 - (1) The Village will provide Utility Services to Customers within the Village at the rates, fees or other charges specified in the Master Rates Bylaw, as may be amended by Council by bylaw from time to time.
 - (2) Where rates, fees or charges have not been established in the Master Rates Bylaw for a particular service the Chief Administrative Officer may establish charges for services provided. Without limiting the generality of the foregoing, the Chief Administrative Officer may establish charges for the following:

- (a) Meter accuracy tests;
 - (b) Meter resizing;
 - (c) Repair or replacement of damaged Village Facilities where the Facilities are under the Customer's care or have been operated or interfered with by the Customer;
 - (d) Missed appointment;
 - (e) Fire hydrant permits;
 - (f) Construction water;
 - (g) After hour service callout;
 - (h) Frozen/damaged Meter.
- (3) Subject to subsection (4), additional services provided by the Village to a Customer will be billed to the Customer in accordance with an agreement between the Customer and the Village.
- (4) Additional costs arising from:
- (a) requirements or requests for specific non-routine services not more particularly described in this section or the acts or omissions of any particular Customer or defined group of Customers, or
 - (b) repairs or remedies of any loss or damage to Facilities or other property that is caused by a Customer or any other party for whom a Customer is responsible in law, including, without limitation, any costs or damages described in any judgment of a court in the Village's favour

may, at the Chief Administrative Officer's sole option. and in addition to any other legally available remedies, be added to a Customer's Account as an additional amount due and payable by the Customer to the Village.

Utility Services Guidelines

- 5**
- (1) Subject to (2), the Chief Administrative Officer may adopt, amend, repeal and replace Utility Services Guidelines from time to time as the Chief Administrative Officer deems advisable.
 - (2) Utility Services Guidelines must not be inconsistent with this Bylaw and, in the event of an inconsistency, this Bylaw shall prevail.
 - (3) Without limiting the generality of subsection (1), Utility Service Guidelines may deal with any or all of the following subject matters:
 - (a) procedures or requirements that a Customer must comply with before a Service Connection is installed or activated, or before Utility Services are provided, or as a condition of ongoing provision of Utility Services;
 - (b) Customer Accounts, including, without limitation, provisions or requirements concerning: opening an Account, making payments on an Account, consequences for failure to pay Accounts in full, lost bills, dishonoured cheques, collection of delinquent Accounts,

adjusting improperly billed Accounts, Utility Services application fees, handling of confidential Customer Account information, closing an Account, and any other matter relating to Customer Accounts;

- (c) measurement of water consumption, including without limitation provision or requirements concerning: meter inspection and testing, meter settings, chambers and installations, meter reading, disputes concerning meter data, estimates of consumption, remote meter reading devices, relocation of meters, access for meter readers, and adjustments to bills when meters have malfunctioned;
- (d) procedures or requirements concerning investigating Customer complaints and concerns;
- (e) procedures or requirements for provision of temporary Water Services, including without limitation Water Services provided during the construction phase of a development;
- (f) procedures or requirements that a Customer must comply with in order to access a bulk water station;
- (g) procedures or requirements for upgrading, re-sizing, relocating or otherwise changing a Service Connection, whether at the instigation of the Village or at the request of a Customer;
- (h) the turn-on and turn-off of Water Services, whether at the instigation of the Village or at the request of a Customer; and
- (i) supply of water for firefighting purposes, including without limitation procedures or requirements concerning the maintenance of public and private fire hydrants and permissible use of water from fire hydrants.

Notices

- 6** In any case in which written notice is required to be provided to a Customer pursuant to this Bylaw, the Chief Administrative Officer may serve notice:
- (a) personally;
 - (b) by e-mail if the Customer has consented to receive documents from the Village by e-mail and has provided an e-mail address to the Village for that purpose;
 - (c) by mailing or delivering a copy of the notice to the last known address of the Customer as disclosed in the Village's assessment roll for the Property; or
 - (d) if the Customer does not answer the door, by placing the written notice on the door of the Property.

Authority of the Chief Administrative Officer

- 7** Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer is authorized to, in accordance with this Bylaw and all other applicable laws:
- (a) take any steps and carry out any actions required to give effect to, and enforce, the provisions of this Bylaw;
 - (b) establish forms for the purpose of this Bylaw; and

- (c) delegate any powers, duties or functions under this Bylaw to an employee of the Municipality.

PART III - ENFORCEMENT

Offence

- 8 A Person who contravenes any provision of this Bylaw is guilty of an offence.

Continuing Offence

- 9 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

Vicarious Liability

- 10 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

Corporations and Partnerships

- 11
 - (1) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
 - (2) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

Fines and Penalties

- 12
 - (1) A Person who is guilty of an offence is liable to a fine in an amount not less than \$100.00 and not exceeding \$10,000.00.
 - (2) Without restricting the generality of subsection (1) the fine amounts established for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered, are as set out in Schedule "D".

Municipal Tag

- 13
 - (1) A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
 - (2) A Municipal Tag may be issued to such Person:

- (a) either personally; or
 - (b) by mailing a copy to such Person at his last known post office address.
- (3) The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Person;
 - (b) the offence;
 - (c) the specified penalty established by this Bylaw for the offence;
 - (d) that the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag; and
 - (e) any other information as may be required by the Chief Administrative Officer.

Payment in Lieu of Prosecution

14 Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified within the time period indicated on the Municipal Tag.

Violation Ticket

15

- (1) If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- (2) Notwithstanding subsection (1), a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (3) Subject to the *Provincial Offences Procedure Act* and the regulations thereunder, if a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
 - (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

16 A Person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

Obstruction

17 No Person shall obstruct, hinder or impede any authorized representative of the Village in the exercise of any of their powers or duties pursuant to this Bylaw.

PART IV -GENERAL

Schedules

18 The following schedules are included in, and form part of, this Bylaw:

- (a) Schedule "A" – General Terms and Conditions of Utility Services;
- (b) Schedule "B" – Terms and Conditions of Water Services;
- (c) Schedule "C" – Terms and Conditions of Wastewater Services; and

Severability

19 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Repeal

20 This Bylaw repeals Bylaw No. 2020-845 and any Bylaws prior to 2020-845 regarding Utility Bylaws.

Enactment

This Bylaw shall come into effect on the date of final passing thereof.


READ a first time this 15th day of July 2024.

READ a second time this 19th day of August 2024

READ a third time and finally passed this 19th day of August 2024



MAYOR


CAO

SCHEDULE "A"
GENERAL TERMS AND CONDITIONS OF UTILITY SERVICES

PART I - GENERAL WATER AND WASTEWATER PROVISIONS

Duty to Supply

1

- (1) The Village having constructed, operated and maintained a Water System as a public utility shall continue, insofar as there is sufficient capacity and supply, to supply Water Services, upon such terms as Council considers advisable, to any Customer within the Village situated along a Water Main.
- (2) The Village having constructed, operated and maintained a Wastewater System as a public utility shall continue, insofar as there is sufficient capacity and supply, to supply Wastewater Services, upon such terms as Council considers advisable, to any Customer within the Village situated along a Wastewater Main.
- (3) All Utility Services provided by the Village shall be provided in accordance with these Terms and Conditions, and these Terms and Conditions shall apply to and be binding upon all Customers receiving Utility Services from the Village.

No Guarantee of Continuous Supply

2

- (1) The Village does not guarantee or warrant the continuous supply of potable water and the Village reserves the right to change the operating pressure, restrict the availability of Water Services or to disconnect or shut-off Water Services, in whole or in part, with or without notice, in accordance with this Bylaw.
- (2) Customers depending upon a continuous and uninterrupted supply or pressure of water or who require or have processes or equipment that require particularly clear or pure water shall provide such facilities, as they are considered necessary, to ensure a continuous and uninterrupted supply, pressure or quality of water required for this use. The Village assumes no responsibility for same.
- (3) The Village does not guarantee or warrant the continuous capacity to collect, store and transmit Wastewater and the Village reserves the right to restrict the availability of Wastewater Services or to disconnect or shut-off Wastewater Services, in whole or in part, with or without notice, in accordance with this Bylaw.
- (4) The Village shall not be liable for damages, including losses caused by a break within the Village's Water System or Wastewater System or caused by the interference or cessation of water supply including those necessary or advisable regarding the repair or proper maintenance of the Village's Water System or Wastewater System, or generally for any accident due to the operation of the Village's Water System or Wastewater System or for the disconnection of a Service Connection or shut-off of a Utility Service, nor by reason of the water containing sediments, deposits, or other foreign matter.

requirements set out in the Engineering Design Standards and the Utility Services Guidelines; and

- (c) shall not backfill the excavation until such time as the Village has inspected and approved of the work.
- (3) If an excavation is backfilled in contravention of subsection (2)(c), the Chief Administrative Officer may, in addition to any other rights and remedies that may be available to the Village, require the Payment Customer in question to dig out and expose the said work at the Customer's cost.
- (4) The Customer shall be responsible for the costs incurred by the Village for constructing the Wastewater Service Line.

Repair and Maintenance of Service Connections

7

- (1) With respect to Water Services, the Customer is responsible for the repair, maintenance and replacement of the Private Water Line located on the Customer's Property and the Village is responsible for the repair, maintenance and replacement of the Water Service Line and the curb stop.
- (2) With respect to Wastewater Services, the Customer is responsible for the repair, maintenance and replacement of the Private Drainage Line located on the Customer's Property.
- (3) If the Village is not satisfied with the construction, maintenance, upgrade or repair of a service line, the Village may require the Owner to perform some action in accordance with its instructions with respect to the construction, maintenance, upgrade or repair of the service line by a specified time.
- (4) If the construction, maintenance, upgrade or repair of a service line has not been done to the satisfaction of the Village within the specified time or in an emergency, the Village may enter any parcel of land or building to construct, maintain or repair the service line.
- (5) The costs incurred by the Village relating to the construction, maintenance, upgrade or repair performed under sections 7.3 and 7.4 of this bylaw are an amount owing to the Village by the Owner of that property.

Customer Responsibility for Service Connection

8

- (1) The Customer assumes full responsibility for the proper use of any Service Connection and any Utility Services provided by the Village and for the condition, suitability and safety of any and all devices or equipment necessary for receiving Utility Services that are located on the Customer's Property.
- (2) The Customer shall be responsible for determining whether the Customer requires any devices to protect the Customer's Property from damage that may result from the use of a Service Connection or Utility Services, or to protect the safety or reliability of the Water System or Wastewater System. The Customer shall provide and install any such devices at the Customer's sole expense.

Interference with or Damage to Facilities

- 13 No Person shall interfere with or alter any Facilities or permit the same to be done by any Person other than an authorized agent of the Village.

Protection of Facilities on Customer's Property

- 14 The Customer shall furnish and maintain, at no cost to the Village, the necessary space and protective barriers to safeguard Facilities installed or to be installed upon the Customer's Property. If the Customer refuses, the Chief Administrative Officer may, at his or her option, furnish and maintain, and charge the Customer for furnishing and maintaining, the necessary protection. Such space and protective barriers shall be in conformity with applicable laws and regulations and subject to the Chief Administrative Officer's specifications and approval.

Customer to Pay Relocation Costs

- 15 The Customer shall pay all costs of relocating the Village's Facilities at the Customer's request, if such relocation is for the Customer's convenience, or if necessary, to remedy any violation of law or regulation caused by the Customer. If requested by the Village, the Customer shall pay the estimated cost of the relocation in advance.

Prohibited Extension of Customer Owned Facilities

- 16 A Customer shall not extend or permit the extension of a Private Water Line, Private Wastewater Line or any other Customer-owned piping, equipment or other assets that are connected directly or indirectly to the Water System or Wastewater System, beyond the Property in respect of which they are used to supply Utility Services through a Service Connection.

PART III - UTILITY ACCOUNTS

Requirement for Account

17

- (1) The Owner of a Property shall apply for an Account with the Village, in a form acceptable to the Village, and pay all applicable fees as a condition of obtaining Utility Services, regardless of whether the provision of services requires installation of a new Service Connection(s) or construction of any new Facilities.
- (2) In the case of a Multiple Dwelling, the Chief Administrative Officer may require that a separate Account be opened in respect of each Dwelling, as applicable, within the Multiple Dwelling, regardless of the number of Service Connections associated with the Multiple Dwelling.
- (3) Except as provided under this Bylaw, the Village shall not grant Utility Services to, or open an Account in the name of, an Occupant that is not the Owner of the Property.
- (4) Notwithstanding subsection (3) above, an Owner may request to have bills mailed to an Occupant that is not the owner of the Property under the Owner's name; however, the Owner of a Property where Utility Services are received shall be responsible for all services delivered or consumed and all fees, rates and charges levied for services delivered or consumed.
- (5) If, notwithstanding subsection (3), Utility Services are currently being provided to an Occupant that is not the Owner of the Property, the Owner of the Property shall forthwith inform the Village

his or her discretion, with a consumption estimate to be utilized in months for which no Meter reading is scheduled to occur;

- (d) Where a Meter reading is not obtainable a water consumption estimate may, at the Chief Administrative Officer's discretion, be used.
- (5) Where, pursuant to any provision of this Bylaw, a Service Connection that provides a Utility Service to a Customer has been disconnected, or a Utility Service has otherwise been shut-off or discontinued, the Customer shall continue, for the duration of the disconnection, shut-off or discontinuance of service, to be obligated to pay all applicable non-consumption related rates, fees and charges set out in this Bylaw, including, without restriction, all applicable flat rate or fixed rate charges for Water Services and Wastewater Services.
- (6) Payment on Accounts may be made to the Village at such locations designated, and under any payment methods approved, by the Chief Administrative Officer from time to time.

Past Due Accounts

20

- (1) A late payment charge shall be applied to all charges on a Customer's Account if the Customer's payment has not been received by the Village by the due date. The Customer may also be charged a dishonoured cheque charge for each cheque returned for insufficient funds.
- (2) Any charge on a Customer's Account remaining unpaid after the due date will be in arrears and constitute a debt owing to the Village and is recoverable by any or all of the following methods, namely:
 - (a) by action, in any Court of competent jurisdiction;
 - (b) by disconnecting the Service Connection to the Customer or shutting-off a Utility Service, and imposing a re-connection fee prior to re-establishing Utility Services;
 - (c) by the Chief Administrative Officer adding the outstanding Account balance to the tax roll of an Owner of a Property in accordance with the *Municipal Government Act*.

Shut-off without Notice

- 21 If the Chief Administrative Officer believes there is any actual or threatened danger to life or Property, or in any other circumstances the nature of which, in the Chief Administrative Officer's sole judgment, requires such action, the Chief Administrative Officer has the right to withhold connection, disconnect a Service Connection or shut-off a Utility Service without prior notice to the Customer.

Shut-off with Notice

- 22 The Chief Administrative Officer may withhold connection, disconnect a Customer's Service Connection or shut-off a Utility Service, without prejudice to any of the Village's other remedies, after providing forty-eight (48) hours advance notice to the Customer, as applicable, in the following circumstances:

- (2) The Chief Administrative Officer will make reasonable efforts to notify the Customer in advance of entering a Customer's property or to notify any other Person who is at the Customer's property and appears to have authority to permit entry, except:
- (a) in cases of an Emergency;
 - (b) where entry is permitted by order of a court or other authority having jurisdiction;
 - (c) where otherwise legally empowered to enter;
 - (d) where the purpose of the entry is in accordance with subsection (1)(c) above.
- (3) The Customer shall pay a no access fee sufficient to cover the Village's reasonable out-of-pocket and administrative costs, if the Village's lawful entry to a Customer's Property is prevented or hindered, whether by a Customer not keeping a scheduled appointment or for any other cause.

Removal of Village Facilities

26 Where any Customer discontinues Utility Services furnished by the Village, or the Village lawfully refuses to continue any longer to supply it, any authorized representative of the Village may at all reasonable times enter the Customer's Property to remove any Facilities in or upon such Property.

False Information

27 No Person shall supply false information or make inaccurate or untrue statements in a document or information required to be supplied to the Village pursuant to this Bylaw.

- (2) The Chief Administrative Officer may allow a Person to maintain an alternate source of water supply subject to such terms and conditions as the Chief Administrative Officer deems necessary, which may include, without limiting the generality of the foregoing, restrictions on the period of time for which an alternate source of water supply may be used and the purposes for which it may be used.
- (3) No Person who has been granted permission by the Chief Administrative Officer to maintain an alternate water supply under this section shall allow the alternate source of water to be connected, directly or indirectly, to the Water System.

Resale and Supply of Water

4 No Person shall, unless authorized by the Chief Administrative Officer in writing:

- (a) resell water obtained from the Water System to any other Person;
- (b) supply water obtained from the Water System to any Person who intends to sell the water;
or
- (c) supply water from the Water System to any Property that could be supplied with water through its own Service Connection.

Unauthorized Use of Water

5

- (1) No Person shall use water from the Water System, or allow water obtained from the Water System to be used:
 - (a) in a manner that will impede water use by other Customers;
 - (b) in a manner that is wasteful;
 - (c) unless an Account has been opened by the Customer;
 - (d) unless the water has first passed through a Meter, except in a case where, pursuant to this Bylaw, unmetered supply of water is specifically authorized; or
 - (e) in any other unauthorized manner.
- (2) If the Chief Administrative Officer finds an unauthorized use of water including, without restriction, as a result of any tampering with a Meter or other Facilities, the Chief Administrative Officer may make such changes in the Village's Meters, appliances, or other Facilities or take such other corrective action as may be appropriate to ensure only the authorized use of the Facilities, and also to ensure the safety of the general public.
- (3) Upon finding an unauthorized use of water, the Chief Administrative Officer may immediately disconnect the Service Connection or shut-off the water supply, without notice, and shall charge the Person all costs incurred in correcting the condition, in addition to any other rights and remedies that may be available to the Village.
- (4) A Person that uses water in contravention of this section shall pay the following charges:

- (2) The Village shall, at the Customer's sole cost, supply and install one or more Meters for the purpose of measuring the volume of water delivered to a Customer by way of a Service Connection. Each Meter shall remain the sole property of the Village, notwithstanding the Customer has paid the Village's costs of supply and installation, unless the Chief Administrative Officer and the Customer have expressly agreed in writing otherwise.
- (3) In the case of new construction on Property adjacent to a Water Main, a Customer's Property may only be occupied after the Meter is installed and an Account opened.

Responsibilities of Customer

10

- (1) Each Customer shall ensure that a location on the Customer's Property for Meter installation is provided, and that access to the Meter is provided for the purpose of reading or servicing the Meter, in accordance with all applicable Water Service Guidelines.
- (2) Each Customer shall provide adequate protection for the Meter supplied by the Village against freezing, heat or any internal or external damage.
- (3) When a Meter is damaged due to frost, heat or any other condition or means against which the Customer neglected to provide adequate protection, the cost of removal and repair or replacement of the Meter shall be borne by the Customer.

General Meter Restrictions

11

- (1) No Person, other than an authorized agent of the Village, shall install, test, remove, repair, replace, or disconnect a Meter.
- (2) No Person shall break, tamper, or interfere with any Meter including, without restriction, any seal attached thereto.
- (3) If a Meter is lost, damaged or destroyed, the Customer shall pay for the entire cost of the Meter removal, repair and reinstallation or for the cost of replacing the Meter.
- (4) No Person shall obstruct or impede direct and convenient access to Meters for the purpose of inspection, removal, repair, replacement or reading.

Access to Meters

- 12 The Chief Administrative Officer may, at any reasonable time, read, inspect, remove, repair, replace or test a Meter installed on Property owned or controlled by the Customer.

Meter Readings

- 13 Where 3 consecutive estimated Meter readings have been used for billing purposes due to the Meter not being read by an authorized representative of the Village as a result of the Customer failing to provide or allow the Village access to the Meter during a billing period:
 - (a) a notice may be left at the Customer's address requesting the Customer to contact the Chief Administrative Officer within two (2) working days, advising of the date and time that the Chief Administrative Officer will be able to have access to the Meter for the purpose of obtaining an actual Meter reading; or

- (2) A Customer requesting authorization to use water from a fire hydrant shall apply to the Chief Administrative Officer by paying all associated fees and supplying information regarding the location of the fire hydrant to be accessed, the manner in which it will be used, and any other information that may be reasonably required by the Chief Administrative Officer.
- (3) The Chief Administrative Officer will advise the Customer whether and on what terms the Village is prepared to authorize use of a fire hydrant and any conditions, including without limitation payments by the Customer, that must be satisfied as a condition of using the fire hydrant.

Interference with Fire Hydrants

17

- (1) No Person shall do anything to obstruct access to, or interfere with the operation of, a fire hydrant.
- (2) Each Customer who owns Property on which a fire hydrant is located or Property that is adjacent to Property on which a fire hydrant is located shall maintain a clearance of at least 3 feet around a fire hydrant and shall not permit anything to be constructed, erected, placed or planted within that minimum clearance.

Private Fire Hydrants

18

- (1) A Customer who wishes to install a private fire hydrant on the Customer's Property may, upon obtaining approval for the installation from the Chief Administrative Officer, do so at the Customer's sole expense.
- (2) A Customer shall ensure that every private fire hydrant located on the Customer's Property maintains an adequate volume, pressure and flow rate of water required for firefighting purposes.
- (3) The Chief Administrative Officer may, at any reasonable time, inspect and test a private fire hydrant.

PART IV - CROSS CONNECTIONS

Cross Connections

19

- (1) No Person shall install, or allow to exist, any Cross Connection that could cause or allow drinking water in any part of the Water System to become contaminated or polluted in any way.
- (2) Where the Chief Administrative Officer determines that there exists a Cross Connection prohibited by this section, the Chief Administrative Officer shall give notice to the Customer to correct the Cross Connection at the expense of the Customer within the time specified in the notice and may, in addition to any other legal remedy, immediately disconnect the Service Connection or shut-off the water supply for such time as the prohibited Cross Connection continues.

SCHEDULE "C"

TERMS AND CONDITIONS OF WASTEWATER SERVICES

Unauthorized Use of Wastewater System

1

- (1) No Person shall use the Wastewater System, or allow the Wastewater System to be used:
 - (a) in a manner that will impede the Wastewater System's use by other Customers;
 - (b) unless an Account has been opened by the Customer; or
 - (c) in any other unauthorized manner.
- (2) If the Chief Administrative Officer finds an unauthorized use of the Wastewater System including without restriction any tampering with any of the Facilities, the Chief Administrative Officer may make such changes in its Facilities or take such other corrective action as may be appropriate to ensure only the authorized use of the Facilities, and also to ensure the safety of the general public.
- (3) Upon finding an unauthorized use of the Wastewater System, the Chief Administrative Officer may immediately disconnect the Service Connection or shut-off Wastewater Services, without notice, and shall charge the Person all costs incurred in correcting the condition, in addition to any other rights and remedies that may be available to the Village.
- (4) A Person that uses the Wastewater System in contravention of this section shall pay the following charges:
 - (a) the applicable rate for the Wastewater Services used based on an estimate by the Chief Administrative Officer of the value the contravention of this section;
 - (b) all costs incurred by the Village in dealing with the contravention; and
 - (c) any other applicable fees or charges provided for in this Bylaw.

Requirement to Connect to Wastewater System

2

- (1) Subject to subsection (3), all new development, including redevelopment, on Properties adjacent to a Wastewater Main must connect to the Wastewater System prior to occupancy.
- (2) The Chief Administrative Officer may, in his or her discretion, exempt a given developed Property, new development or redevelopment from the connection requirement established by subsection (1) or (2), as applicable.
- (3) Where an exemption has been granted under subsection (3), the Chief Administrative Officer may, at any time after the granting of the exemption, require that the developed Property, new

Wastewater Line. The Village reserves the right, but is not obligated, to verify that all necessary authorizations have been obtained by the Customer.

Discharge into Wastewater System

5

- (1) Except as agreed to in writing by the Chief Administrative Officer, no Person shall discharge or permit to be discharged into the Wastewater System any matter other than domestic Wastewater resulting from normal human living processes.
- (2) For greater certainty, and without in any way restricting subsection (1), no Person shall discharge or permit to be discharged into the Wastewater System:
 - (a) any matter containing Hazardous Waste;
 - (b) any substance that may cause the Village to be in violation of any regulatory or operating licence, approval or permit for the Wastewater System;
 - (c) any flammable liquid or explosive matter which, by itself or in combination with any other substance, is capable of causing or contributing to an explosion or supporting combustion, including, without restriction, hydrocarbon substances such as gasoline and diesel fuel;
 - (d) any matter which, by itself or in combination with any other substance, is capable of obstructing the flow of or interfering with the operation or performance of the Wastewater System including, without restriction, grease and solid substances such as sand, grit, mud, plastics, rags, sanitary napkins and wet wipes;
 - (e) any matter with corrosive properties which, by itself or in combination with any other substance, may cause damage to the Wastewater System;
 - (f) any substance having a pH of less than 5.5 or greater than 10;
 - (g) pharmaceuticals;
 - (h) corrosive or toxic substances, including, without restriction, pesticides and herbicides;
 - (i) radioactive materials;
 - (j) condensing water,
 - (k) any heated water or other liquids of a temperature higher than eighty (80) degrees Celsius;
 - (l) the contents of any privy vault, manure pit or cesspool;
 - (m) the contents of a sump pump; or
 - (n) storm water or surface water.

Commercial or Industrial Wastes

6

- (1) No Wastewater or other matter resulting from any commercial, trade, industrial or manufacturing process shall be discharged or permitted to be discharged into the Wastewater System unless

Hauled Wastewater

10

- (1) No Person shall discharge or permit the discharge of hauled Wastewater except at a hauled Wastewater discharge location approved by the Chief Administrative Officer and only then in accordance with any terms and conditions imposed by the Chief Administrative Officer, including payment of applicable fees and charges.
- (2) If a hauled Wastewater discharge location has been identified, by the Village, as a Recreational Vehicle discharge or dump location, that location shall be used solely for the purpose of discharging Wastewater from Recreational Vehicles, and no Person shall discharge or permit the discharge, at that location, of Wastewater from any vehicle, container, structure or thing other than a Recreational Vehicle.

Spills

11

- (1) Any Person who discharges or permits the discharge of any Wastewater or other matter contrary to this Bylaw shall, immediately after becoming aware of the discharge, notify:
 - (a) the Chief Administrative Officer and provide the following information:
 - i. name of the Person causing or permitting the discharge;
 - ii. location of the release;
 - iii. name and contact information of the Person reporting the discharge;
 - iv. date and time of the discharge;
 - v. type of material discharged and any known associated hazards;
 - vi. volume of the material discharged; and
 - vii. corrective action being taken, or anticipated to be taken, to control the discharge;
 - (b) the Owner of the Property, where the Person reporting the discharge is not the Owner and knows, or is readily able to ascertain the identity of the Owner; and
 - (c) any other Person whom the Person reporting knows or ought to know may be directly affected by the discharge.
- (2) The Person who discharged or permitted the discharge pursuant to subsection (1) shall, as soon as the Person becomes aware or ought to have become aware of the discharge, take all reasonable measures to:
 - (a) confine, remedy and repair the effects of the discharge; and
 - (b) remove or otherwise dispose of the matter in a lawful manner so as to minimize all adverse effects.