

TOWN OF ONOWAY
Bylaw 754-19

A BYLAW OF THE TOWN OF ONOWAY IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE TO REGULATE THE SUPPLY AND DISTRIBUTION OF WATER AND TO REGULATE THE SANITARY SEWAGE COLLECTION SYSTEM

WHEREAS, the Municipal Government Act, Chapter M-26, 2000 with amendments thereto, provides that a Council of a Municipality may pass a bylaw for services provided by or on behalf of the municipality, public utilities, and to regulate or prohibit the supply and distribution of water and sanitary sewage collection system.

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

SECTION 1 TITLE

1. This Bylaw may be cited as "The Town of Onoway Water and Sewer Utility Bylaw".

SECTION 2 DEFINITIONS

For the purpose of this Bylaw and in the Schedules attached hereto, unless the context otherwise requires:

- 2.1 “**Application**” means the application made by the consumer in writing on the required form to the Town for the supply of water or sewer services;
- 2.2 “**Abnormal Reading**” means the readout on the water meter that represents the volume of water used by a particular consumer that varies significantly from the normal pattern of use, whereas significantly is determined by the factor of 4 times or greater the normal volume of usage for that particular period of consumption.
- 2.3 “**Combined Service**” means the services or service pipes used or intended to be used to supply water for fire protection as well as water for purposes other than fire protection;
- 2.4 “**Consumer**” means any person who uses water or sewer services supplied by the Town;
- 2.5 “**Council**” means the Municipal Council for the Town of Onoway;
- 2.6 “**Fire Line**” means a pipe that is intended solely for the purpose of providing a standby supply of water for fire protection purposes;
- 2.7 “**Meters**” means meters and all other equipment and instruments supplied and used by the Town to be used to calculate the amount of water consumed on the premises upon which such meters are situated;
- 2.8 “**Municipal Manager**” means the Chief Administrative Officer of the Town or his/her designate;
- 2.9 “**Person**” includes a partnership, a firm a body corporate, a body politic, and the heirs,

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SECTION 3 ADMINISTRATION

- 3.1 The Water and Sewer Utility of the Town of Onoway, comprised of water mains, sewer mains, intermediate mains, lift stations, service pipes, fire hydrants, valves, meters, service and all other appurtenances together with the sale of water, shall be under the management and control of the Municipal Manager;
- 3.2 The Municipal Manager has authority to shut off water for any consumer or consumers for any reason which, in the opinion of the Municipal Manager, necessitates such shutting off, provided that the Municipal Manager shall give notice of such shutting off (Except in an Emergency; notice will be given, if possible, for emergency situations);
- 3.3 The Town does not guarantee the pressure nor the continuous supply of water and the Town reserves the right at any and all times, without notice, to change the operating water pressure and to shut off water; neither the Town, its officers, employees or agents shall be liable for the change in water pressure nor for the shutting off of water or should the water contains sediments, deposits, or other foreign matter;
- 3.4 Consumers depending upon a continuous and uninterrupted supply or pressure of water or having processes or equipment that require particularly clear or pure water shall provide such facilities as they consider necessary to ensure a continuous and uninterrupted supply, pressure or quality of water required for this use;
- 3.5 The Town may, as a condition to the supply of water, inspect the premises of a consumer who applies to the Town for such supply in order to determine if it is advisable to supply water to such consumer;
- 3.6 The Town may, with the permission of the consumer, inspect the premises of the consumer in order to do any tests on water piping or fixtures belonging to such consumer so as to determine if this Bylaw is complied with and, in the event that such consumer fails or refuses to give such permission, the supply of water to that consumer may be shut off;
- 3.7 The Town may at such times and for such length of time as considered necessary or advisable, regulate, restrict or prohibit the distribution of water to the surface of lawns, gardens or other areas situated outside buildings by way of hoses, sprinklers or any other method; and
- 3.8 In exercising the authority conferred by paragraph 3.7 of this section, the Town:
 - 3.8.1 Shall cause to be published in a local newspaper that is circulated in the Town and/or others mean of advising the general public, with a public notice giving reasonable detail of the regulation, restriction or prohibition of sprinkling being imposed which may be limited as to time or times specified or which may be unlimited as to time in which latter case, a similar public notice shall be given of the cessation of such regulation, restriction or prohibition; and
 - 3.8.2 May regulate, restrict or prohibit sprinkling in all or any part or parts of the Town and in so doing the Town may provide different times during which different consumers may sprinkle by reference to compass direction related to streets, odd and even street addresses, or such other manner as the Town consider appropriate.

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4.3.2 Any consumer who contravenes paragraph 4.3.1 of this Bylaw forfeits any right to be supplied with water and, in addition, shall be guilty of an offence and liable on summary conviction to a fine, as per "Schedule A" of this Bylaw; and

4.3.3 Any landowner who rents his/her property in a manner so as to be subject to the Landlord and Tenant Act shall be exempt from the provisions of paragraph 4.3.1 of this Bylaw so long as the use and benefit of the water accrues solely to the benefit of the tenant(s);

4.4 **Investigation into Water Supply or Sewer Services Failure**

4.4.1 Any consumer complaining of a failure or interruption of water or sewer service, the investigation of which complaint necessitates the opening up and excavating of a street, shall, prior to such opening up and excavating, deposit with the Town Financial Officer the costs thereof as estimated by the Municipal Manager. In the event that such failure or interruption was caused by the Town service, such deposit shall be refunded, but in the event that such failure or interruption was caused by the private service, the actual cost of such work shall be paid by the consumer and the said deposit shall be applied thereto, any excess to be refunded to the consumer and any deficiency shall be collectible in the same manner as water and sewer rates. Work completed to investigate the water or sewer service system failure shall be done only by the Town or the Town's designated contractor.

4.5 **Noise and Pressure Surges**

4.5.1 No consumer shall cause, permit or allow any apparatus, fitting or fixture to be or to remain connected to his/her water supply or allow his/her water supply to be operated in such a manner as to cause noise, pressure surges or other disturbances which may in the opinion of the Municipal Manager result in annoyance or damage to other consumers or the water utility. The Municipal Manager may cause the water supply to any consumer contravening the provisions of this section to be shut off provided that the Municipal Manager shall give notice to such consumer prior to such water supply being shut off. The water supply to any such consumer shall not be restored until such time as the consumer has paid to the Town all costs incurred by the Town in shutting off and turning on such water supply plus a fine as set out in "Schedule A" of this bylaw;

4.6 **Contamination**

4.6.1 No consumer shall cause, permit or allow to remain connected to his/her water supply or sewer any piping, fixture fitting, container or other apparatus which may cause water from a source other than the water utility or another harmful or deleterious liquid or substance to enter the water or sewer utilities. The Municipal Manager may cause the water supply to any consumer contravening the provisions of this section to be shut off provided that the Municipal Manager shall give notice to such consumer prior to such water supply being shut off. The Water supply to such consumer shall not be restored until such consumer has paid to the Town all costs associated with the shutting off and turning on of the water supply plus any applicable fine for contravention of the bylaw as set out in "Schedule A" of this bylaw;

4.7 **Bylaw**

4.7.1 The provisions of the Bylaw shall form part of a contract between the consumer and the Town for the supply of water and this supply shall be subject to all the provisions of this Bylaw.

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5.3 Subsidiary Meter

5.3.1 A consumer may, for his/her own benefit, install a meter between the meter supplied by the Town and the point of use of the water supply, provided that the Town shall not maintain such meter, nor shall such meter be read by the Town;

5.4 Installation

5.4.1 A consumer shall make provision for the installation of a water meter to the satisfaction of the Town and, when required, shall install a proper valve bypass as per paragraph 5.12 following:

5.4.2 Any consumers

5.4.2.1 Whose water supply is not metered, or

5.4.2.2 Whose water meter is not positioned to the satisfaction of the Town, shall make proper provision for a meter to be installed or the meter to be moved as the case may be, all costs of which shall be paid by the consumer and in default of payment the water supply of such consumer shall be shut off until such costs are paid;

5.5 Special Meter Reading

5.5.1 A consumer who requests of the Town a special meter reading shall pay the fee designated in "Schedule A" of this Bylaw;

5.6 Testing or Calibration on Disputed Meter Reading

5.6.1 In the event a meter reading is disputed by either the Town or the consumer, a written notice shall be given to the other. In the case of the consumer disputing the meter accuracy, a deposit, in accordance with "Schedule A" attached to this Bylaw, shall accompany the written notice. Following written notice, a meter situated on the premises of such consumer shall be tested or calibrated by a proper official designated by the Town. In the event that the said meter is found to be accurate within 98.5% to 101.5% of the water passing through same, the expense of such test or calibration shall be born by the party giving such notice in the amount designated in "Schedule A". In the event that the said meter is found not to be accurate within the aforesaid limits, the same shall forthwith be repaired or replaced by another meter and the expense of so doing shall be borne by the Town (unless the meter is of over 5/8 of an inch) and the dispute deposit shall be returned;

5.6.2 In the event that a meter is found not to be accurate within the limits set out in paragraph 5.6.1 of this Bylaw hereof, the accounts based upon the reading of that faulty meter, for the maximum of six (6) monthly bills rendered immediately preceding the date of such test or calibration shall be corrected in proportion to the error of the meter in excess of the aforesaid limits and the consumer shall pay or there shall be refunded to the consumer, as the case may be, the amount so determined which payment or refund shall be accepted by both the Town and the owner as settlement in full to the date thereof of all claims on account of such meter;

5.7 Meter Chamber

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5.13 Meter Valves

5.13.1 Any consumer having a meter smaller than 2 inches in size shall, at his/her sole cost and expense, supply and maintain valves on both sides of and within 12 inches of the meter;

5.14 Water Meters - Installation/Repairs

5.14.1 Meters 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;

5.14.2 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 direct and convenient access to a meter for the purpose of installation, inspection, removal, repair, replacement reading or the like at all times; and

5.14.3 All consumers shall give free access to all or part 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;

5.14.4 When a developer is building a show home or a residence under a contract, the developer shall obtain a water meter of appropriate size from the Town following the required procedure of written application and shall install at the time of construction.

SECTION 6 SERVICE AND SERVICING

6.1 Owner Responsibility

6.1.1 The owner of a parcel of land is responsible for the construction of the portion of the municipal public utility services connection from the main lines to the boundary of the road or easement as well as for the portion located above, on or underneath the owner parcel; and is responsible for the costs of construction, and the work done on Town property must be done by the Town or a contractor approved by the Town.

6.1.2 The owner of a parcel of land is responsible for the maintenance and repair of any portion of the utility services, starting from the property line; located above, on or underneath their parcel; and

6.1.3 Notwithstanding 6.1.2, any property owner who causes damage to municipal public utility services may be responsible for the costs of maintenance and repair of the municipal public utility service connection if, in the mind of the Town, there are extenuating circumstances that may warrant;

6.2 Application For New Infrastructure Connection

6.2.1 Any new construction on placing new services connection being water or sewer in the Town shall complete an Infrastructure Connection Permit, and submit to the Town with the permit fee specified in "Schedule A", together with any required documents. This submission shall be made not less than 30 days prior to requiring the services;

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6.7.2 That Temporary Water Service be granted to developers in accordance with the terms set forth in the Development Incentive Program Policy that may be amended by Council from time to time.

6.8 Service Kill

6.8.1 No permit for the demolition or removal of a building shall be issued by the Town nor shall any person cause, permit or allow to be demolished or removed, a building connected to a water main until there has been paid to the Town the cost of disconnecting the Town service at the water main in the amount set out in "Schedule A". Notwithstanding the foregoing, the Municipal Manager may, in circumstances which he considers appropriate, permit the service to remain connected to the water main;

6.9 Thawing Service

6.9.1 The cost of thawing a frozen service shall be borne as follows:

6.9.1.1 If the private service or the plumbing system connected thereto is frozen, as determined by the Town, costs shall be borne by the consumer;

6.9.1.2 If the Town service is frozen as a result of the negligence of the consumer, as determined by the Town, costs shall be borne by the consumer;

6.9.1.3 If the Town service is frozen, as determined by the Town, costs shall be borne by the Town. If the Municipal Manager is of the opinion that a private service or plumbing system has frozen without any negligence on the part of the consumer or any other person for whose negligence the consumer is responsible, the Municipal Manager may waive the cost of one thawing during any one winter season which shall be deemed to run from November 15th to May 15th; and

6.9.1.4 The Town shall not thaw a private service or plumbing system unless the consumer shall first have signed an acknowledgement recognizing that thawing may be inherently dangerous to property including the private service or plumbing system and may cause damage to electrical system or the outbreak of fire and waiving any claim against the Town for any such damage whatsoever;

6.10 Size

6.10.1 The size of the service required for residential purposes shall be determined by the Plumbing and Drainage Regulation of the Province of Alberta, providing that the Town shall not install a service having a size smaller than 5/8 of an inch;

6.11 Boilers and The Like

6.11.1 In any case where a boiler or equipment of a nature similar to that of a boiler is supplied directly from a service, such boiler or other equipment shall be equipped with at least one safety valve, vacuum valve or other device sufficient to prevent the collapse or explosion thereof in the event the water supply thereto is shut off;

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6.16 Vacant Services

- 6.16.1 Any owner of a premise requesting the water service not be disconnected after the building has been vacated shall apply in writing in person to the Town on the form supplied by the Town and shall pay the amount specified in "Schedule A" of this Bylaw;
- 6.16.2 The meter shall be read and no water shall be consumed by the vacant property;
- 6.16.3 If any water is consumed while on vacant services charges, the Municipal Manager shall reverse the monthly billing as it was prior to the commencement of vacant services and the owner of the premise will have to pay the difference of both charges or the water services may be shut off.

6.17 Curb Stops

- 6.17.1 The contractor and/or owner shall ensure that the curb stop, c.c., or water valve is at a height flush with the finished grade prior to water service being provided; and
- 6.17.2 In the event that the curb stop is inaccessible and the Town is needing to repair/maintain/shut off this curb stop the Town will undertake whatever action is required to access this curb stop and complete the necessary repair/maintain/shut off with all associated costs being charged to the property which caused the curb stop to become inaccessible.

6.18 Final Approval

- 6.18.1 A premise shall be approved for occupancy by the Safety Codes Officer only after all provisions of Section 6 have been complied with and the water meter along with proper remote reading equipment is in place. At this time final approval for occupancy shall be given.

SECTION 7 BILLING AND COLLECTION

7.1 General

- 7.1.1 All rates and charges payable hereunder shall be paid to the Town;
- 7.1.2 The Municipal Manager has authority to establish the Meter Activation Fee based on the nature of service or services and equipment being provided to a consumer and will provide the consumer with a quote for the required services that will remain in effect for a period of thirty (30) days from the date of issuance. The fee may be established using any or all of the following parts and/or services or additional equipment required to complete all associated works:
 - 1. The Water Meter at the cost for the Town to replace into inventory at the time of ordering.
 - 2. Waterline Flushing to be charged at the actual labour and material costs, should a staff member be called out after regular business hours, a minimum of 3 hours labour will be charged to the customer based on hourly rate set by Council on an annual basis.

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7.5.2 No provision, agreement, term, condition or representation not contained in an application for water supply and sewer services, which contract is not transferable and shall remain in full force and effect until the consumer has notified the Town of his/her desire in writing to terminate the said contract or until said contract shall have been terminated by the Town;

7.5.3 Following written notification by a consumer of his/her desire to terminate a contract hereunder, the Town shall shut off the water supply as soon as reasonably practicable and the consumer shall be liable for and shall pay all of the rates and charges payable hereunder until the time of such shut off including the costs of such shut off, all as designated in "Schedule A" of this Bylaw;

7.5.4 All applications for connection or notification to terminate shall allow a minimum of 24 hours before such application or notification order is to become operative provided that such time period falls within the normal business hours of the Town;

7.6 Consumption

7.6.1 Subject to the other provisions of this Bylaw, the rates payable by a consumer as set out in "Schedule A" for all water supplied shall be determined by reference to the reading of the meter supplied to such consumer;

7.7 Payment Period

7.7.1 All accounts, including interim accounts for utilities services, shall be due and payable on the last working day of the month of the statement. Accounts not paid on or before that day shall be liable to a penalty of 3.5%;

7.8 Unpaid Accounts

7.8.1 Any owner who fails to pay his/her account may have the outstanding balance that is more than 30 days overdue automatically transferred to his/her property tax roll;

7.8.2 The Municipal Manager may authorize any overdue account to be transferred to the owner's property tax roll at his/her discretion;

7.8.3 There shall be an Overdue Account Transfer Fee as listed in "Schedule A" of this Bylaw charged when an account balance is transferred to the tax roll.

7.9 Reconnection Fee

7.9.1 In the event any water service has been discontinued for reason of non-payment of account rendered, a reconnection fee shall be requested before the service is reconnected, as per "Schedule A" of this Bylaw;

7.10 Enforcement and Collection

7.10.1 The Municipal Manager is authorized to transfer any outstanding utility charges to the related tax roll as the Municipal Manager deems necessary, such transfer being subject to the Administration Fee as set out in "Schedule A" of this Bylaw;

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- 9.1.1 Any person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of the time stated in such notice, permanently cease all violations;
- 9.1.2 Any person who shall continue any violation beyond the time limit provided for in paragraph 9.1.1 shall be guilty of a misdemeanour and a conviction shall be fixed in the amount not exceeding two hundred dollars (\$200.00) for each violation. Each day in which any violation shall continue shall be deemed a separate offence; and
- 9.1.3 Any person violating any of the provisions of this Bylaw shall become liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violation.
- 9.1.4 Any person who contravenes, disobeys, refuses or neglects to obey any provision of the bylaw is *guilty of an offence and liability on summary conviction of a fine of up to \$500.00 plus costs.*

SECTION 10 AMENDMENTS

10.1 General

- 10.1.1 The Council of the Town of Onoway may, by Bylaw or resolution in Council, alter, amend or repeal any or all of the Schedules which form part of the Bylaw.

SECTION 11 VALIDITY

- 11.1 Bylaw 738-18 shall be rescinded in its entirety upon effective date of this bylaw.
- 11.2 That this Bylaw shall take effect on the 5th day of February, 2019.

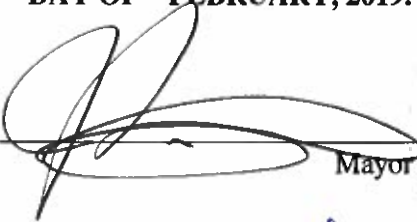
READ A FIRST TIME THIS 5th DAY OF FEBRUARY, 2019.


READ A SECOND TIME THIS 5th DAY OF FEBRUARY, 2019.

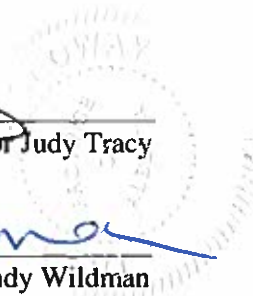
UNANIMOUSLY CONSENTED TO FOR THIRD READING THIS 5th DAY OF FEBRUARY, 2019.

READ A THIRD AND FINAL TIME THIS 5th DAY OF FEBRUARY, 2019.

Signed February 5th, 2019.


Mayor Judy Tracy


Chief Administrative Officer, Wendy Wildman



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SEWER FORCEMAIN REPLACEMENT	\$6.30 per month per customer

Miscellaneous Rate	
Administrative Fee – monthly on each utility bill	\$5.00
Overdue Account Transfer Fee	\$25.00
Inspection Fee for New Infrastructure Connection Permit (6.2)	\$100.00
Notice to Disconnect (letter)	\$50.00
Special Meter Reading (Other than Terminal)	\$100.00
Meter Test or System Test	\$100.00
Service Kill/Service Disconnect (unpaid account)	\$50.00
Connection or Reconnection of water service	\$50.00
Connection or Reconnection of water service within 2 hours	\$100.00
Vacant services	\$30.00/month
Bylaw Contravention (any section)	\$200.00

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WATER & SEWER CONNECTION PERMIT
4812 – 51st Street
Onoway, AB T0E 1V0
Phone: (780) 967-5338
Fax: (780) 967-3226

Tax Roll # _____
Dev. Permit # _____

Permit Fee \$50

<input type="checkbox"/> New Installation Single	<input type="checkbox"/> Detached Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial
<input type="checkbox"/> Service Disconnection	<input type="checkbox"/> Multi-Family	<input type="checkbox"/> Institutional	<input type="checkbox"/>

PLEASE RETURN FORM AND ATTACHMENTS TO THE ONOWAY TOWN OFFICE.

Applicant (Contractor): _____

Project: _____

Municipal Address: _____

Legal Address: Lot: _____ Block: _____ Plan: _____

Contact Name: _____

Contact Phone#: _____ or _____

Proposed Work: Water Service Size _____ mm _____ inches

Sanitary Sewer Service Size _____ mm _____ inches

Storm Sewer Service Size _____ mm _____ inches

Stamped Engineering Drawings Attached? Yes No

Proposed Construction Date: From: _____ To: _____

Conditions:

1. Permit is not valid unless authorized signature completed below.
2. Stamped Engineering Drawings required for water services larger than 25 mm (1 inch) and for sanitary sewer larger than 150 mm (6 inches). All Multi Family, Commercial, Industrial and Institutional developments require stamped Engineering Drawings.
3. All work must conform to the Town Engineer's Standards as determined by the **General Manager of Planning and Infrastructure**. Water Service **MUST** be Type K Copper and Sanitary Sewer Service **MUST** be PVC-SDR 35. Any work completed with materials other than these shall be replaced at the sole cost of the applicant
4. Only authorized Town personnel to operate water shut off valves at or near the property line.

Subject to this application being approved, the undersigned acknowledges responsibility for all work and materials associated with the project, including any damages to any Public Utilities or local improvements including but not limited to curb stops, water shut off valves, curbs, sidewalks, roadways, lanes, etc. The applicant shall be responsible for the prevention and/or clean up of any spillage, littering or garbage associated with this project. No ground water of any kind including weeping tile, roof down spouts, or site drainage shall be allowed to enter the sanitary sewer system.

THE APPLICANT HEREBY AGREES TO ABIDE BY THE TOWN WATER & SEWER BYLAW AND ALL THE ABOVE NOTED CONDITIONS:

Applicant's Signature: _____ Date: _____

Applicant's Printed Name: _____

Town of Onoway Authorization for Permit: _____