

**TOWN OF BRUDERHEIM  
BYLAW NUMBER 04-2019**

**A BYLAW OF THE TOWN OF BRUDERHEIM, PROVINCE OF ALBERTA,  
RESPECTING WATERWORKS, SEWERS, AND PLUMBING.**

WHEREAS under the provisions of the Municipal Government Act, RSA 2000, c. M-26, and amendments thereto, Council may enact bylaws with regard to the use and control of all public waterworks, and sewage disposal works within the boundaries of the Town of Bruderheim.

WHEREAS it is deemed necessary and expedient to establish a system of waterworks for the Town of Bruderheim and to set out the terms, costs and charges, upon which the service will be provided.

NOW THEREFORE the Council of the Town of Bruderheim, duly assembled, enacts as follows:

**SHORT TITLE:**

This Bylaw may be referred to as "The Utility Bylaw".

**SECTION 1 – DEFINITIONS**

- 1.1 "Account" means an agreement between an Owner and the Town of Bruderheim for the supply of Utility Services.
- 1.2 "Account Holder" means the person named on a Utility Account.
- 1.3 "Applicant" means an Owner who applies to the Town for the provision of a service to a property.
- 1.4 "Authorized Employee" means any employee of the Town of Bruderheim authorized for the purpose of providing sewer or water service.
- 1.5 "Bylaw Enforcement Officer" shall mean a Person duly appointed by Council and authorized to issue tickets pursuant to this Bylaw.
- 1.6 "CAO" means the Chief Administrative Officer of the Town of Bruderheim.
- 1.7 "c.c." refers to a curb stop valve which means a shut-off valve constructed in-line at the end of a water service pipe allowing the supply of water to a property to be shut-off.
- 1.8 "Commercial Facilities" includes stores, warehouses, commercial, and institutional facilities, but does not include industrial facilities.
- 1.9 "Consumer" shall be understood and construed as the owner of the lands and premises in, on or at which any municipal utility service pipes are installed within the Town.
- 1.10 "Council" shall mean the Council of the Town of Bruderheim.
- 1.11 "Dwelling" means any building occupied for residential purposes.
- 1.12 "Fees and Charges Bylaw" means the Town's "Fees, Rates & Charges for services provided by the Town" Bylaw, as amended from time to time.
- 1.13 "Fire Chief" means the person assigned as the Fire Chief for the Town of Bruderheim.
- 1.14 "Householder" means any Person who owns or occupies any Dwelling or place of resident, but does not include a boarder, roomer or lodger therein.
- 1.15 "Multi-Use (Residential/Commercial)" shall mean a building which includes both residential and a commercial designation in one building.



- 1.16 "Multi-Family Dwelling" shall mean a building or buildings which are intended to be occupied as a residence by more than two Persons living independently of one another in the same or a separate building, and shall include apartments, hotels, motels, boarding houses, rooming houses, row housing, and also includes any suite of rooms in any building containing Commercial Facilities.
- 1.17 "Owner" means any Person who is registered under the Land Titles Act as the Owner of the land.
- 1.18 "Person" includes a firm, corporation, owner, occupier, lessee or tenant.
- 1.19 "Proprietor" shall mean the owner or occupant of Commercial Facilities and Multi-Family Dwellings.
- 1.20 "Sewer Service Line" means the line from the building to the main in the street.
- 1.21 "Street Main" means the portion of land on which any sewer and/or water main is laid for the service of more than one service.
- 1.22 "Town" shall mean the Town of Bruderheim.
- 1.23 "Utility Services" shall mean those services associated with the provision of water distribution, sanitary sewer collection and treatment.
- 1.24 "Water Service Line" means the line from the building to the main in the street.

## **SECTION 2 – WATER WORKS**

### **2.1 OWNERSHIP**

- 2.1.1 The Town shall install and maintain a water system within the Town of Bruderheim, and may supply water to any owner in the Town whose property is situated along a water main.
- 2.1.2 The CAO may authorize, under such conditions as the CAO deems necessary, the supply of water to a property that is not situated along a water main.
- 2.1.3 The Town shall be responsible for the installation, maintenance, and management of all parts of the water system that are under the Town's care and control, as set out in this Bylaw.
- 2.1.4 The Town shall maintain ownership of all:
- a) Water mains;
  - b) Service lines, between the water main and the curb stop valve (inflow);
  - c) Water meters required by this Bylaw; and
  - d) Curb stop valves only.
- 2.1.5 All items on an owner's property, including all pipes, valves, privately owned meters, fixtures, and other items attached to the water system, except for those listed in section 2.1.5 shall be the property of the owner.
- 2.1.6 An owner shall be responsible for the installation, inspection, repair and maintenance of all items owned by the owner.
- 2.1.7 No person other than a person authorized by the CAO or by this Bylaw shall install, test, remove, repair, replace, or disconnect any part of the water system owned by the Town.

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## 2.2 TAPPING WATER MAINS AND WATER SERVICE CONNECTION

- 2.2.1 No Person, without first having obtained a permit to do so, shall make connection or communication whatsoever with any of the public pipes or mains. The applicant for said permit shall be totally liable for any damage caused while making such connections, and also shall provide adequate safety provisions during said construction.
- 2.2.2 No permit will be issued to any Person except licensed plumbers or Authorized Employees of the Town.
- 2.2.3 The permit fees shall be paid as outlined in the Fees & Charges Bylaw.
- 2.2.4 All water service pipes laid in private property between the property line and the water meter shall be of the same material as the service pipe in the street between the water main and property line and the meter.
- 2.2.5 The Town shall provide and install all facilities and equipment up to and including the curb stop valve.
  - a) Only one water service connection will be provided per lot.
  - b) A service pipe shall not be extended from one lot to another lot.

## 2.3 USE OF THE WATER SYSTEM

- 2.3.1 No person shall engage in unauthorized use of water or the Town's water system.
- 2.3.2 No person, except as authorized by the CAO or this Bylaw shall;
  - a) Operate, handle, or interfere with the Town's provision of water, or operation of the water system;
  - b) Operate the Town's curb stop valves, valves, pipes, or other parts of the water system; or
  - c) Impede access to the water system

## 2.4 METERS

- 2.4.1 All Residential Dwellings or new building construction of the water system or plumbing system shall be in accordance with the Design and Construction Standards.
- 2.4.2 Every meter and water reading equipment installed on any service by the Town shall remain the property of the Town and is installed on the understanding that the Owner, Consumer or Householder shall give every facility for the introduction, placing, inspection, and reading of such meter, and shall protect it from interference or injury by frost, heat, physical damage or otherwise, and shall be liable for the cost of any removal, repair, replacement or installation which results to any damage which may occur to the meter or equipment.
- 2.4.3 The Town may install a meter on any service whether the Owner is to be supplied with water under the meter rates or not, and may refuse to supply or to continue to supply water to any premises whatsoever unless the Owner requiring the water shall sign an agreement to take, use and pay for the water according to the rates provided for that purpose together with any deposits that may be required.
- 2.4.4 The Owner of the premises shall make application for connection of utilities and shall be required to pay a meter reading connect fee at a rate set out in the Fees & Charges Bylaw before the water is turned on.



- 2.4.5 No person shall relocate, construct or alter a water line connection so as to bypass a water meter.
- 2.4.6 No person other than a person authorized by the CAO or by this Bylaw shall interfere with, tamper with, or operate a water meter or a remote meter reading device.
- 2.4.7 Written authorization from the Owner must be obtained prior to access of the Dwelling or Commercial Facility.

## 2.5 RIGHT OF ENTRY

- 2.5.1 As a condition of receipt of Utility Services and as operational needs dictate, an Authorized Employee shall have the right to enter a Dwelling or Commercial Facility at all reasonable times, or at any time during an emergency, for the purpose of:
  - a) Installing, inspecting, maintaining, replacing testing, monitoring, reading or removing the Utility System.
  - b) Investigating or responding to a Person's complaint or inquiry.
  - c) Conducting an unannounced inspection where the Authorized Employee has reasonable grounds to believe that theft of Utility Services or interference with the Utility System has occurred or is occurring; or
  - d) For any purpose incidental to the provision of Utility Services.
- 2.5.2 The Town will make reasonable efforts to notify the Owner in advance of entering a Dwelling or Commercial Facility or to notify any other Person who is at the premises and appears to have authority to permit entry, except:
  - a) In case 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; or;
  - d) Where the purpose of the entry is in accordance with Section 2.4.2(c)
- 2.5.3 No Person shall obstruct, impede access, or refuse to allow access to a water meter or Utility Service to any Authorized Employee of the Town in the exercise of any of the powers or duties relating to the Utility Services as authorized or required in this Bylaw..

## 2.6 METER READING

- 2.6.1 All residential meters shall be read bi-monthly and commercial meters shall be read monthly.
- 2.6.2 If a water meter reading cannot be obtained during the regular reading schedules, the meter reader will leave a card at the door, which can be filled in with the correct meter reading by the consumer and returned or called in to the Town Office within 24 hours. Failing to get a reading, the meter reader may make not more than one call back to any customer, and if the reading is still not obtainable, the Town may estimate the amount of water consumption for that consumer and invoice according to the estimated reading.
- 2.6.3 If the meter reader is unable to enter the property to read the meter due to vicious dogs, locked gates, etc. a special appointment may be arranged during regular office hours, at a cost set out in the Fees & Charges Bylaw.
- 2.6.4 Where a reading cannot be obtained during regular schedules, the Department may arrange a special reading by appointment, at a cost set out in the Fees & Charges Bylaw.



- 2.6.5 If any meter has failed to register accurately since the last actual reading, the water rate for the said period may be adjusted and charged on the basis of the average charge for water supplied to the said premises during the preceding calendar year or such shorter period as may be available.
- 2.6.6 The owner of a property may request that a water meter on that property be tested. The Chief Administrative Officer may arrange and schedule a test requested under this section. The Owner shall deposit with the Town a fee as set out in the Fees & Charges Bylaw. If a test reveals that the water meter is reading between 95% and 101.5% accuracy, the owner that requested the test shall not be refunded the deposit. The owner requesting a test shall be provided a copy of the test results within ten business days of the Town's receipt of the results.
- 2.6.7 Any Person interfering with or tampering with any meter seal, meter reading equipment or water shutoff equipment shall be liable to a fine as laid down in Schedule A of this Bylaw.

## **2.7 WASTE OF WATER.**

- 2.7.1 No Person shall waste any water supplied by the Town in any way whether by improper or leaky services pipes, fixtures or taps, or by permitting water to run to prevent taps or pipes from freezing, or otherwise, or by improper excessive use of water and is liable to penalties as set in Schedule A.

## **2.8 TURNING ON/OFF WATER**

- 2.8.1 After a construction, reconstruction, alternation or change, or the completion of any work requiring a permit, water shall not be turned on to any building or premises until after the whole of the work has been done to the satisfaction of the Safety Codes Officer. Water shall be turned on or off only by an Authorized Employee of the Town.
- 2.8.2 A property owner may request a temporary or permanent disconnect of water service at a reduction in water rate as set in the Fees & Charges Bylaw. All requests to disconnect water service shall only be done upon application at the Town Office and a prepayment of a billing discontinuance fee as set out in the Fees & Charges Bylaw. The Owner cannot request the Town to discontinue the Utility Service to their Dwelling when there is a Householder in the Dwelling and where the Householder has not contravened this Bylaw.
- 2.8.3 Where a cc valve is to be turned on or off by an Authorized Employee of the Town, the Owner shall be required to pay a fee as set out in the Fees & Charges Bylaw.

## **2.9 DISPOSAL OF WATER**

- 2.9.1 No Person being an Owner or Householder of any house, building or other premises which are supplied with water from the water system shall vend, sell or dispose of water there from or give away, or permit the same to be taken or carried away, or use or supply it to the use or benefit of others, or to any other use or benefit, or shall increase the supply of water beyond that by the rating of the premises.

## **2.10 RIGHT TO SHUT OFF WATER FOR INFRINGEMENT OF BYLAW AND OTHER CAUSES**

- 2.10.1 The Town may shut off the water supplied to the land or premises of any consumer who may be guilty of a breach of or non compliance with any of the provisions of this Bylaw and may refuse to turn on the water until satisfied and assured that Consumer intends to comply with the Bylaw.
- 2.10.2 The Town of Bruderheim hereby reserves the right to shut off the water without notice to the Consumer for any purpose that, in the opinion of the Town, it may



be expedient to do so. It is hereby declared that no Person shall have any claim for compensation or damages as the result of the Town shutting off the water without notice or from the failure of the water supply from any cause whatsoever.

- 2.10.3 No Person shall interfere with, damage, or make inaccessible any curb stop valve due to the construction of walks, driveways or in any other way.
- 2.10.4 If it is required to make any repairs or construction changes due to the inaccessibility or damage to a curb stop valve, the owners of the property serviced by said curb stop valve shall be required to assume all costs involved.

## 2.11 WELLS AND OTHER SOURCES OF SUPPLY OF WATER

- 2.11.1 No well or other sources of water except the Town water mains shall be in use for domestic consumption in the Town without a permit obtained from the Town for that purpose.
- 2.11.2 All Persons having charge of or being owners or occupiers of premises containing a well or other sources of supply of water for domestic consumption other than the water mains of the Town may apply to the Town for a permit to use the water from such a well or other source of supply of water. The application shall be made to the CAO.
- 2.11.3 No such permit shall be granted in connection with any premises abutting on a street, avenue, lane or road upon which there is a Town water main unless the supply obtainable from such water main is inadequate.
- 2.11.4 If the use of any such well or other sources of supply of water is continued contrary to the provisions of this Bylaw forty-eight (48) hours after notice to discontinue the same has been given by the Town to the Owner or occupier of the premises, such well or other source of supply water may be declared to be a nuisance and dangerous to the public health or safety and shall be removed, filled up or otherwise abated.
- 2.11.5 Any such permit as aforesaid may be withdrawn by order of the Town at anytime without notice, and no Person shall use a well or other source of supply of water after a permit for use has been withdrawn.
- 2.11.6 No Person shall use a well or other source of supply of water except for the Town water mains for the purpose of watering lawns, gardens, flowers, shrubs, or trees without first having obtained a permit from the Town for this purpose.
- 2.11.7 All applications for such a permit shall be accompanied by the payment of a fee as set out in the Fees & Charges Bylaw, and the permit shall only authorize the use of the water hereinbefore mentioned and no pipes or appurtenances from such a source of supply of water shall be connected to or laid within the/a structure having a supply of domestic water.
- 2.11.8 No permit issued under this section shall give, or be construed to give the holder of said permit the right to sell or distribute water within the Town of Bruderheim.

## 2.12 INTERFERENCE WITH HYDRANTS AND VALVES

- 2.12.1 Except as hereinafter provided, no Person other than an Authorized Employee shall open or close or operate or interfere with any valve, hydrant or fire plug, or draw water therefrom.
- 2.12.2 The Lamont County Emergency Services and Strathcona County Emergency Services are authorized to use the hydrants or plugs for the purpose of extinguishing fires, for protection and for fire training practices, but all such uses shall be under the direction and supervision of the Fire Chief or his duly authorized assistants, and in no event shall any inexperience or incompetent Person be permitted to manipulate or control in any way any hydrants or plugs. The Town of Bruderheim Public Works department must be notified when the



hydrants are being used for training practices and volumes of water used during the practices must be reported to the Authorized Employee of the Town.

- 2.12.3 No Person shall in any manner obstruct the free access to any hydrants or valve or curb stop, no vehicle, building, rubbish, or any other material and matter which would cause such obstruction shall be placed nearer to a hydrant than the property line of the street in which the hydrant is located, nor within five (5) meters of the hydrant in a direction parallel with the said property line. All curbs to a hydrant within five (5) meters shall be painted yellow.

#### **2.13 WATER SERVICE LINE**

- 2.13.1 The Town shall assume the full responsibility and costs for any Water Service Line which may hereinafter be frozen between the property line and the street main, except when the freeze-up is due to discontinuance of water service for non-payment of fees, in which case the Owner shall be responsible. Any Water Service Line frozen between the property line and the meter shall be the responsibility of the Owner of the said property.

#### **2.14 NO REDUCTION IN RATES**

- 2.14.1 No reduction in water rates shall be made due to interruption of the water service of any servicing or main piping becoming frozen or out of order as the result of frost.

#### **2.15 BOILER SERVICE**

- 2.15.1 In all cases where boilers are supplied with water, the Town shall not be liable for any damage which may result to any Person or premises from shutting off the water main or service, or from failure of the water supply for any purpose or cause whatsoever, even when no notice is given, and no deduction from water bills be made in consequence thereof. All users of steam or hot water boilers are recommended to protect themselves by installing a storage tank, sufficient to provide at least a twelve (12) hour supply for each steam or hot water boiler.

#### **2.16 WATER RESTRICTIONS**

- 2.16.1 When an emergency in the water supply occurs, the Town may restrict the use of water from the Town system. When said restriction is in effect, no Person shall water any lawns, gardens, streets, yards or grounds or use a hose or similar device to wash vehicles or the exterior of houses or other buildings during such times that may be fixed by an Authorized Employee, provided that notice of the times during which the use of water for the purpose specified herein is prohibited shall be given to the public in an announcement on the town message boards, through "social media" and/or public address system.
- 2.16.2 The foregoing restrictions do not apply to a Person using an ordinary sprinkling can or pail, where said water is used only for the watering of plants or shrubs.
- 2.16.3 An Authorized Employee, in fixing restrictions on the use of water for the purpose set out in this section, may vary the hours and days of use for different portions of the Town or may attach such other conditions as they deem necessary.
- 2.16.4 The Town shall have the right to discontinue water service to anyone who continues to violate Section 2.16.1

### **SECTION 3 – SEWERS**

#### **3.1 USE AND PROTECTION OF SEWER SYSTEM**

- 3.1.1 No Person shall throw, or leave in, on or upon any Town sewer or any trap, basin, grating, manhole, or other appurtenance of any Town sewer, any butchers offal, garbage, litter, manure, rubbish, sweepings, sticks, stones, bricks, earth, gravel, dirt, mud, hay, straw, twigs, leaves, papers, rags, cinders, ashes, or

refuse matter of any kind, except feces, urine, the necessary closet paper, waste water, and slops properly discharges through a house sewer into a Town sewer.

- 3.1.2 No Person shall permit to be discharged into any sewer, any liquid or liquids which would prejudicially affect the sewers, or other trade waste, or any waste steam, condensing water, heated water, or other liquids of a higher temperature than seventy five (75) degrees Celsius.
- 3.1.3 No Person shall make or cause to be made any connection with any Town sewer, or house drain, or appurtenance thereof for the purpose of conveying, or which may convey into the same any inflammable or explosive material, storm water, roof drainages cistern, or tank overflow, condensing or cooling water.
- 3.1.4 No Person shall discharge the contents of any privy vault, manure pit or cesspool, directly or indirectly into any municipal sewer or house drain connected therewith.
- 3.1.5 No Person, except duly Authorized Employees of the Town shall turn, lift, or remove any Town sewer manhole cover.
- 3.1.6 No unauthorized Person shall cut, break, pierce, or tap any Town sewer or appurtenance thereof, or introduce any pipe, tube, trough, or conduit into any Town sewer.
- 3.1.7 No Person shall interfere with the free discharge of any Town sewer, or part thereof, nor do any act or thing which may impede or obstruct the flow or clog up any Town sewer or appurtenance.
- 3.1.8 Any Authorized Employee or Safety Codes Officer shall have the right at all reasonable times to enter a Dwelling or other places which have been connected with the Town sewers, and facilities must be given the Authorized Employee or Bylaw Enforcement Officer to ascertain whether or not any improper material or liquid is discharged in the sewers and the Employee or Officer shall have the power to stop or prevent from discharging into the sewer system any private sewer or drain through which substances are discharged which are liable to injure the sewers or obstruct the flow of sewage.

**3.2 INDUSTRIAL OR TRADE WASTE**

- 3.2.1 No waste or discharge resulting from any trade, industrial or manufactured process shall be directly discharged to any Town sewer without any previous treatment as shall be prescribed by the Town for each such case. The necessary treatment works so prescribed shall be completely installed by the Applicant at his expense, prior to the construction of the sewer connection and therefore shall be continuously maintained and operated by the Applicant.

**3.3 GREASE TRAPS**

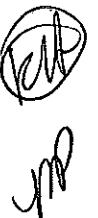
- 3.3.1 Grease traps of sufficient size and approved design shall be placed on the waste pipes of all hotels, restaurants, laundries, and such other places as the Town, under advisement, may direct.

**3.4 SEWER CONNECTIONS**

- 3.4.1 No Person other than an Authorized Employee shall make any connections to, or shall cut or otherwise tamper in any way with a public or Town sewer without first having obtained a permit to do so. The applicant for the said permit shall be liable for any damage caused while making said connections and shall also be responsible for providing adequate safety facilities and signs during the time of construction.

**3.5 BACKUP VALVES**

- 3.5.1 Where it is deemed expedient to prevent or reduce the flooding of basements or cellars connected to the municipal sewage system, the Town may require the





- 3.5.2 owner to install and operate a suitable backwater valve or other mechanical device for the purpose of cutting off or controlling the connection between the sewage system and the cellar or basement.
- (a) Where the installation of said valve is required at the time of connection to the Town sewer system, the cost of installation shall be the responsibility of the owner or applicant.
  - (b) Should the Town deem it expedient to require the owner of the property presently serviced by the Town sewer system to install a backwater valve, the said valve shall be installed by a licensed contractor.

### **3.6 APPLICATION FOR SEWER CONNECTION**

- 3.6.1 No drain or private sewer shall be connected to the Town sewer until the Owner or his authorized agent has obtained a permit for sewer connections. The application must be filed in the Town Office together with the permit fee as set in the Fees & Charges Bylaw, and must be signed by the Owner of the property or his authorized agent. Such application must be accompanied by a plan, which must meet with current engineering standards, showing in detail the contemplated connections, the exact location and elevation thereof, and specify fully the character of the work to be done, the size of all pipes and the location and type of all fittings.
- 3.6.2 It shall be a condition of the granting of any application for a sewer connection that the Town or any of its employees shall not be liable for any damage whatsoever in nature caused, whether directly or indirectly, by such sewer connection and the applicant shall be responsible for backfill, surface replacement, safety, etc.
- 3.6.3 The Town may revoke or annul any permit that may have been granted to connect with the Town sewer if it shall find that any of the work is not being done in accordance with the provisions of this Bylaw, and the Person or Persons making such connections or their successors in interest shall have no right to demand or claim any damage in consequence of such permits being revoked or annulled.
- 3.6.4 A Person occupying any premises connected to a Street Main by a Sewer Service Line shall be required to keep the said Sewer Service Line in operational condition at all times and shall be fully responsible for the operation of the said Sewer Service Line.

### **4.1 CONSTRUCTION OF DEVELOPMENT SITES**

- 4.1.1 Contractors or Developers are responsible for disposal of their own waste.
- 4.1.2 Waste on sites must not be store on site in a manner that causes a nuisance, or a fire hazard, or so as to injuriously affect the privacy of adjoining properties.
- 4.1.3 Waste on sites must be contained so as not to allow said Waste to spill over or accumulate on any street, lane, or property. Every Person shall be fully responsible for any violation of this section.
- 4.1.4 Contractors or Developers must ensure that any excavation soil and/or debris is not placed on any road or laneway without written permission from the Town. If permission is given, the Contractor or Developer is responsible for returning the land or roadway to previous condition by removal of soil or debris and cleaning of it.

## **SECTION 5: RATES AND CHARGES, OPENING AND CLOSING OF ACCOUNTS**

### **5.1 OPENING OF ACCOUNTS**

- 5.1.1 An account must be opened with the Owner of the property before Utility Services are provided.



- 5.1.2 The Owner is required to submit a written application for Utility Services provided by the Town, unless waived by the Municipality in its discretion. All new utility accounts shall be with the Owner of the property and the Owner is responsible for the account.
- 5.1.3 The Municipal Council of the Town of Bruderheim hereby authorizes and empowers the CAO of the Town of Bruderheim to execute a contract for the provisions of Utility Services.
- 5.1.4 Property Owners subscribing to the Town's water service will be subject to a connection or disconnection fee as set out in the Fees & Charges Bylaw.

## **5.2 WATER FOR CONSTRUCTION PURPOSES**

- 5.2.1 A construction account may be set up with the Town for non-metered water. The account will be set up under such terms and conditions as are set out by the Chief Administrative Officer.
- 5.2.2 A property owner may set up a construction account with the Town either in person, or in writing.
- 5.2.3 Water used pursuant to a construction account shall be charged in accordance with the Fees & Charges Bylaw.

## **5.3 CLOSING OF ACCOUNTS**

- 5.3.1 Owners wishing to close their Accounts must provide the Town with at least 48 hours notice in writing prior to the effective date of discontinuance of Utility Services. In the absence of notice in writing from the Owner to the Town to discontinue any Utility Service, the Town may continue to supply the Utility Services to the lands or the premises and all arrears of utility rates may be collected against the said lands and premises in the like manner as municipal rates and taxes are recoverable.

## **5.4 RATES AND CHARGES**

- 5.4.1 The rates to be imposed and levied monthly for Utility Services shall be according to the Fees & Charges Bylaw. Accounts shall be due and payable as specified on the Utility Bill, with payments to be made to the Town of Bruderheim. Failure to receive a billing shall in no way affect the liability of the Owner to pay the amount owing.
- 5.4.2 Council shall have the right to determine into which classification any Utility Service belongs and the Council's decision shall be binding on all Persons concerned.
- 5.4.3 Apartment Buildings & Trailer Park services will be billed for the total number of units on site, (whether occupied or not) during the month.
- 5.4.4 If an error is found in the utility billing charges, the Municipality will correct the utility accounts by the appropriate amount for the duration of the billing error as follows:
  - a) If the correction results in an under billing for utility consumption charges to the Account Holder, the utility billing correction will be made for a period of not more than three (3) months immediately preceding the date of discovery of error, or
  - b) If the correction results in an over billing for utility consumption charges to the Account Holder, the billing correction will be made for the period of the error as long as the start date of the error can be determined with reasonable accuracy. If such time cannot be determined with reasonable accuracy, the correction will be made for a period of not more than three (3) months.



- 5.4.5 In the event of any refunds being issued to the Account Holder the Municipality will not be responsible for payment of any lost interest to the Account Holder.
- 5.4.6 Where an Owner has set up an account for water service, the owner may request that a copy of the invoice for the account be sent to either the owner's address, or to the mailing address of the occupant. The property owner remains responsible for the account and shall ensure:
- a) All charges, fees and bills are paid in accordance with the Fees and Charges Bylaw
  - b) All requirements of this Bylaw are adhered to.

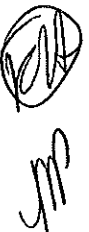
## **SECTION 6 – ENFORCEMENT**

### **6.1 RECOVERY OF ARREARS**

- 6.1.1 If a utility bill remains unpaid after the 15<sup>th</sup> of the following month in which they were invoiced a penalty will be applied against the current amount as set out in the Fees and Charges Bylaw
- 6.1.2 After 60 days in arrears, a Notice of Arrears letter may be mailed to the property Owner providing notice that their account is in arrears and that if these arrears are not paid in a specified time, the Utility Services may be disconnected. A fee will be applied to the Account as set in Fees & Charges Bylaw.
- 6.1.3 If water service is to be shut-off due to non-payment, a 48 hour notice will be delivered to the service address and a fee applied as set in Fees & Charges Bylaw.
- 6.1.4 If payment or payment arrangements for the arrears has not been received by the Town within the 48 hour notice period, or the account holder is in breach of an existing payment agreement, the Town may disconnect Utility Services and a fee applied for disconnection as set in Fees & Charges Bylaw.
- 6.1.5 Any utility bill remaining unpaid for more than 60 days shall constitute a debt owing to the Town and shall be recoverable by:
- a) Action in a court of competent jurisdiction;
  - b) Shutting off or discontinuing any utility services provided by the Town;
  - c) By being added to taxes and collecting in a like manner as municipal rates and taxes.
- 6.1.6 Before water service is restored, the Account Holder shall make payment in full for any amount owing on the utility account as well as a reconnect fee according to the Fees & Charges Bylaw.

### **6.2 PENALTIES**

- 6.2.1 If any person fails to comply with or contravenes a provision in this Bylaw the Chief Administrative Officer or a Bylaw Enforcement Officer may issue any order under section 545 of the MGA requiring the person to remedy the contravention.
- 6.2.2 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in Schedule "A" of this Bylaw.
- 6.2.3 Any person who commits a second or subsequent offence within one year of committing an offence under this Bylaw is liable to a fine in an amount not less than double the amount set out in Schedule "A" of this Bylaw.




- 6.2.4 A person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided is liable to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00).
- 6.2.5 A person contravening any provision of this Bylaw shall not be subject to imprisonment as a penalty for that offence.
- 6.2.6 Nothing in this Bylaw will be construed as curtailing or abridging the right of the Town to obtain compensation for, or to maintain an action for, loss of or damage to property from or against the person or persons responsible.

### 6.3 VIOLATION TAGS

- 6.3.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 6.3.2 A violation 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.
- 6.3.3 A violation tag shall be in a form approved by the Town and shall state:
  - (a) the name of the person,
  - (b) the offence
  - (c) the date of the offence
  - (d) the appropriate penalty for the offence as set out in Schedule A of this Bylaw,
  - (e) that the penalty shall be paid within thirty (30) days of the issuance of the violation tag, and
  - (f) any other information as may be required by the Town.
- 6.3.4 Where a contravention of this Bylaw is of a continuing nature, the Bylaw Enforcement Officer may issue further violation tags, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 6.3.5 Where a violation tag is issued pursuant to this Bylaw, the Person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.
- 6.3.6 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a violation ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

### 6.4 VIOLATION TICKET

- 6.4.1 If the penalty specified on a violation tag is not paid within the prescribed time period then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act, RSA 2000, Chapter P-34, as amended or repealed and replaced from time to time.
- 6.4.2 Notwithstanding Section 6.3 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the Provincial Offences Procedure Act, RSA 2000, Chapter P-34, as amended or repealed and replaced from time to time, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.4.3 Where a violation ticket has been issued to a person pursuant to this Bylaw that person may plead guilty to the offence by submitting to the Clerk of the Provincial Court, prior to the appearance date specified on the violation ticket, the specified penalty set out on the violation ticket.



6.4.4 A Bylaw Enforcement Officer has the discretion to require a mandatory court appearance by a person who has committed an offence under this Bylaw.

**6.5 SEVERABILITY PROVISION**

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

**6.6 GENERAL**

6.6.1 Nothing in this Bylaw shall operate to relieve any person from complying with any Federal, Provincial, or other Town law, order, regulation or Bylaw.

**SECTION 7: REPEAL**

7.1 Bylaw number 03-2018 is hereby repealed.

**SECTION 8: EFFECTIVE DATE**

8.1 This Bylaw shall come into force on the third and final reading.

Read a first time this 15 day of May 2019

Read a second time this 05 day of June 2019

Read a third time and finally passed this 05 day of June 2019

TOWN OF BRUDERHEIM

  
MAYOR

  
TOWN ADMINISTRATION

Date: June 5, 2019



Schedule "A"

Offences and Fines

| Section  | Offence  | Fine   |
|----------|--|--------|
| 2.1.7    | Install, test, remove, repair, replace, or disconnect part of water system without authorization | \$200  |
| 2.6.7    | Interfere with, tamper with, or operate a remote reading device without authorization            | \$200  |
| 2.3.1    | Use water from Town's water system without authorization   | \$200  |
| 2.5.3    | Prevent or hinder access to water system   | \$100  |
| 2.11     | Use of alternate water source without authorization  | \$100  |
| 2.2.5(a) | Connect alternate water source to the Town's water system  | \$100  |
| 2.2.5(b) | Extend service pipe from one lot to another lot  | \$1000 |
| 2.1.6    | Improper construction of parts of water system or plumbing system on a private property          | \$250  |
| 2.4.5    | Unauthorized use of bypass valve   | \$200  |
| 2.4.3    | Obstruct or impede access to water meter   | \$100  |
| 2.3.2(c) | Obstruct or impede access to a cc valve  | \$100  |
| 2.10.3   |  |        |
| 2.12     | Unauthorized use of water from a hydrant   | \$200  |
| 2.12.3   | Obstruct access to a fire hydrant or hydrant isolation valve                                     | \$200  |
| 2.12     | Failure to maintain clearance around a fire hydrant or hydrant isolation valve                   | \$200  |
| 2.2      | Unauthorized use of water from Town's water system   | \$500  |
| 2.3      | Unauthorized operation of Town's water system  | \$1000 |
| 2.3.2(c) | Impede access to water system  | \$100  |
| 2.1.6    | Fail to comply with water demand management measures   | \$100  |
| 2.9.1    | Wasting of water   | \$100  |
| 3.1      | Improper discharge into Town sewer system  | \$500  |
| 3.1.5    | Unauthorized tampering or removal of sewer manhole covers  | \$200  |
| 3.1.6    | Unauthorized tampering of Town Sewer system  | \$1000 |
| 3.1.7    | Impede access or flow of Town Sewer system   | \$100  |
| 3.6.1    | Unauthorized connection to Town Sewer  | \$200  |
| 3.6.3    | Improper construction of parts of sewer system on private property                               | \$250  |
| 4.1      | Improper disposal of construction waste on development sites.                                    | \$1000 |