

**TOWN OF OYEN
BY-LAW NUMBER # 838-14**

BEING A BY-LAW OF THE TOWN OF OYEN IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF CONSTRUCTING, REGULATING, CONTROLLING, AND OPERATING THE WATER AND SEWER SYSTEM.

WHEREAS

pursuant the ***Municipal Government Act***, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, provides that a municipality may pass a By-Law to construct, control and operate a water and sewer utility for the purpose of providing residents and consumers of a municipality with the supply of water and the disposal of sewage wastes, charging such rates and fees as deemed necessary;

AND WHEREAS

the Municipal Council of The Town of Oyen, in the Province of Alberta, has deemed it desirable to pass a By-Law to establish and maintain a system for the construction, control and operation of water and sewer services;

NOW THEREFORE

the Municipal Council of the Town of Oyen, in the Province of Alberta, duly assembled enacts the following:

I. TITLE

This By-Law will be cited as the “Water and Sewer By-Law”.

II. USE AND CONTROL

The use and control of all water, sewer and drainage systems belonging to the Town, now laid down, constructed or built subsequent to the passing of this By-Law, shall be in accordance with this By-Law and shall be under the management and control of the Municipality.

III. DEFINITIONS

In this By-Law, unless the context otherwise requires:

- a. “**Account**” means an agreement to provide Utility Service and to record related transactions including consumption, fees and payments.
- b. “**Account Holder**” means the person who is named on an Account.
- c. “**Arrears**” means account balance which is unpaid after the due date shown on the invoice.
- d. “**Billing Period**” means a two (2) month period as set by the Town.
- e. “**Consumer**” means the person who takes delivery of the water at its place of consumption or who utilizes the sewer service and who has authorized the provision of the services in writing to the Town.
- f. “**Council**” means the Municipal Council of the Town of Oyen.
- g. “**Hazardous Waste/Material**” means any substance that can cause illness, disease or death to un-protected people.
- h. “**Manager**” means the Chief Administrative Officer as appointed by Council or his/her designate.
- i. “**Meter**” means an instrument for measuring quantity of water.
- j. “**Municipal Utility Service**” means the service provided by the Town from its municipal water or sewer system or both.

- k. **“Occupant”** means any Person other than the Owner who is in possession of the Property, including, but not limited to, a licensee, tenant or agent of the Owner.
- l. **“Owner”** means the registered owner of real property as designated on the Certificate of Title for one property.
- m. **“Person”** means firm, corporation, owner, occupier, lessee or tenant.
- n. **“Premise”** means a parcel of land and any buildings situated on that land.
- o. **“Service Connection”** means the part of the system or works of a water distribution system or sanitary sewer system that runs from the main lines to a building or other place on a parcel of land for the purpose of providing the utility service to the parcel and includes those parts of the system or works described in Section 29 of the Municipal Government Act.
- p. **“Service Line”** means that portion of a Service Connection located above, on or underneath an Owner’s parcel of land.
- q. **“System”** means the system or works constructed by the Town for Municipal Utility Services.
- r. **“Town”** means the Town of Oyen or its duly authorized representative.
- s. **“Town Service Line”** means that portion of a Service Connection located between a main line and the property line.

IV. GENERAL

- a. The Town water and sewer rates, charges for late payments, times and places when and where they will be payable shall be fixed as per Appendix “A” to this By-Law.
- b. Non-receipt of a utility bill will not exempt the Owner or Occupant from payment for the service received.
- c. The Town fines and penalties for contravention of this By-Law shall be established as defined in Appendix “B” to this By-Law.
- d. Appendix “A” and/or Appendix “B” may be amended or altered by resolution of Council as reviewed from time to time as deemed necessary.

V. SERVICE CONNECTION

- a. Full compliance with this by-law is a condition and term of supplying a Municipal Utility Service to a parcel of land.
- b. An Owner of a parcel of land must submit a written application to the Town and obtain approval of the Town before the Town will construct a Town Service Line.
- c. The Town shall assume full responsibility and costs of the construction, maintenance and repair of a Town Service Line.
- d. An Owner shall assume full responsibility and costs of the construction, maintenance and repair of a Service Line. Any costs incurred by the Town to maintain, replace or repair the Service Line are fully recoverable and subject to the same penalties as set out in Appendix “A”.
- e. An Owner shall construct, maintain and repair a Service Line in a manner satisfactory to the Town.
- f. That portion of a Service Line situated between the property line of a parcel of land and the water meter shall be constructed of the same material as the Town Service Line.

- g. If the Town is not satisfied with the construction, maintenance or repair of a Service Line, the Town may require the Owner to do something in accordance with its instructions with respect to the construction, maintenance or repair of the Service Line by a specified time. If the construction, maintenance or repair of a Service Line has not been done to the satisfaction of the Town within the specified time or in an emergency, the Town may enter any parcel of land or building to construct, maintain or repair the Service Line.
- h. The Town's cost relating to the construction, maintenance or repair performed under Section (g) of Part III of this By-Law are fully recoverable and subject to the same penalties as set out in Appendix "A".
- i. No connections shall be made to that portion of a Service Line situated between the property line of a parcel of land and the water meter.
- j. An Owner who wishes to upgrade a Service Line shall submit a written request to the Town. If the Town approves the application, the Owner shall be responsible for the construction costs of the Service Line and all construction shall be performed in a manner satisfactory to the Town.

VI. APPLICATION FOR SERVICE

- a. Effective, January 1, 2015 a new Account for service shall only be entered into with the Owner of the Premise. Any other Person shall not be permitted to apply for an Account in their own name.
- b. An Owner who wishes to receive Municipal Utility Service shall complete the application form supplied by the Town. Failure to make an application to the Town prior to usage of water shall constitute a contravention of this By-law.
- c. Where an Owner has set up an Account for service, an Owner may request that a copy of the invoice for the Account be sent directly to an Occupant's mailing address as identified by the Owner. Notwithstanding this section, the Owner remains the Account Holder responsible for all debts incurred under that Account.
- d. An Owner is responsible for all service charges, fees and other charges as set on attached Appendix "A" of the By-Law until such time as the Owner applies to the Town to have the service disconnected and a final reading of the meter has been taken.
- e. The Manager may allow the supply of a Municipal Utility Service to a Person whose Account existed prior to January 1, 2015, providing the Account of the existing Person does not fall into an Arrears position. In the event the Account falls into an Arrears position, the deposit on the Account with the Town shall be applied against the balance outstanding on the Account and the Account shall be placed in the name of the Owner of the Premise.

VII. SUPPLY OF SERVICE

- a. The Town does not guarantee the continuous uninterrupted supply of any Municipal Utility Service, and reserves the right at any time without notice to shut-off such service where required in the maintenance or operation of the utility and the Town, its officers, employees or agents shall not be liable for any

damages of any kind due to or arising out of a failure to supply a utility.

- b. No reduction in rates shall be made for interruption of service on account of any interruption of the water due to maintenance, tie-ins or supply failure.
- c. The Town shall have the right to limit the amount of water supplied to any Premise where Council deems such action to be necessary. The Council may at any time, by resolution, limit or restrict the use of water by Consumers for the watering of lawns, garden plots or other areas, or for any other use, for such time as Council deem advisable.

VIII. CHARGES

- a. The service charge to the Account Holder for Municipal Utility Service, a late charge penalty for Arrears and other fees for the Municipal Utility Service as set on attached Appendix "A" of this By-Law.
- b. When an account is in Arrears, the Manager may at their discretion and upon giving not less than seven (7) days' notice, shut off the supply of water to any Consumer or apply the outstanding balance to the Tax Roll as per Section 553(b) of the Municipal Government Act.
- c. When the water service has been disconnected due to non-payment, all Arrears shall be paid together with a reconnection fee, as set out in Appendix "A", before the service is reconnected.

IX. METERS

- a. All water meters will be supplied and installed by the Town and will remain at all times the property of the Town. Payment of an installation or other fee does not constitute a sale.
- b. The Manager may from time to time, or at any time, authorize an individual, firm or corporation to install, maintain, repair and replace water meters.
- c. An Occupant and/or Owner shall notify the Town immediately whenever a water meter or remote readout is not operating or if any part of it becomes damaged or broken.
- d. Any person permitting any meter and/or radio transmitter to be damaged shall be liable for all costs incurred in the replacement of said meter or radio transmitter. Replacement costs shall include the costs for any Town employees required to complete the replacement, the costs for Town equipment, contracted services and goods purchased. The said charges shall be fully recoverable and subject to the same penalties as set out in Appendix "A".
- e. Should any Owner claim a meter is not working properly and is over reading; said Owner shall deposit with the Town the sum as stated in Appendix "A". The meter will then be removed from service and sent to an independent company for testing.
- f. Should the said meter be found to over read by more than one and a half percent (1.5%), the said Owner shall be refunded their deposit. Any meter which meets the requirements previously stated shall be considered adequate, and the said person shall forfeit the said deposit to the Town to cover costs of removal and test of said meter.

- g. If a meter is found to be inaccurate, the accounts based upon the reading of that meter for the maximum of twelve (12) monthly bills preceding the date of such test shall be corrected in proportion to the error of the meter in excess of the above limits and the customer shall pay or shall be refunded payment.
- h. No person shall interfere with, cut or remove the wire seal on a meter, valve, radio transmitter or outside readout.
- i. No person shall disconnect a meter or do anything which may prevent or impede the flow of water through a meter or the recording of the flow of water through the meter, or which may affect the proper operation of the water meter.

X. METER READINGS

- a. Each and every water service attached to the water system shall be metered and the water consumed, as indicated by the meter, shall be paid for in accordance with Appendix "A" of this By-Law.
- b. Each water meter shall be read at such times or intervals as the Manager may designate.
- c. If any water meter has, in the opinion of the Manger, failed to accurately register the flow of water through the meter since the last reading, the charge shall be the average consumption of the previous three (3) billing periods.
- d. In the event that the Town is unable to read the water meter due to the inaccessibility of the water meter or for any other reason, the Manager shall estimate and establish the charges based on the average consumption of the previous three (3) billing periods.
- e. In the event of (b) or (c), payment of an estimated amount shall not excuse the Owner from liability for payment of a greater amount which may owe after the meter is repaired or read.
- f. In the event an Occupant or Owner refuses to allow a water meter to be read for a period of six months or more, the Manager may shut off the water to those premises.

XI. DISCHARGE

- a. The Owner may be required to construct and maintain such works as the Town considers necessary for the preliminary treatment of any sewage prior to discharge into the Sanitary Sewer System.
- b. Only water and waste water shall be discharged into the Sanitary Sewer System. The discharge of any flammable, explosive or any Hazardous Waste/Material into the Sanitary Sewer System is strictly prohibited. A Consumer who contravenes this Section may be subject to the penalties outlined in Part XVIII of this By-Law.
- c. Unless authorized in writing by Council, no sub-surface drains, roof drains or catch basins shall be connected to the Sanitary Sewer System.

XII. INSPECTIONS

- a. For the purposes of conducting sampling test or inspecting repairs, placing or removing meters on any Service Connection inside or outside any house or building the Town shall have a right of entry to any Premise:

- i. Upon reasonable Notice given to the Consumer;
or
- ii. In an emergency or in extraordinary circumstances.

XIII. PROTECTION OF UTILITY SERVICES

- a. No person shall connect a Service Connection to a Municipal Utility Service, or otherwise uncover, make any connection with or opening into, use, alter or disturb a Service Connection or a Municipal Utility Service without the written permission of the Manager.
- b. No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destruction, defacing or tampering with any part of a Municipal Utility Service. Any person who does perform such acts shall be liable for any damage incurred.
- c. The Town may discontinue access to a Municipal Utility Service where the Town believes the use of a Municipal Utility Service to a parcel of land to be contrary to the By-Law.
- d. Any person who contravenes a provision in this Part is guilty of an offence and is liable to the penalties outlined in Part XVII of this By-Law.

XIV. ACCESS FOR AUTHORIZED PURPOSES

- a. As a condition of water service and as operational needs dictate, employees of the Town shall have free access to all parts of a property, building or other premises in which water is delivered and consumed, at reasonable hours of the day and upon reasonable notice for the purpose of:
 - i. Installation, maintenance, repair and removal of the Water System and Water Service Connections;
 - ii. Installation, testing, repair and removal of Water Meters or other parts of the Water System;
 - iii. Reading of Water Meters; and
 - iv. Inspections for compliance of this By-Law.
- b. No Person shall hinder, interrupt or cause to be hindered any employee of the Town or its contractors, servants and agents or workers, in the exercise of any of the powers or duties relating to the Water System as authorized or required in this By-Law.
- c. Upon termination of Water Service, any employee of the Town employed for that purpose may, at all reasonable times enter the parcel or premises which was supplied with Water Service for the purpose of removing from the parcel or premises any fittings, machines, apparatus, meters, pipes or any other things that are the property of the Town, and may remove these things.

XV. SEPARATE AND SEVERABLE

Each section of this By-Law shall be read and construed as being separate and severable from each other section. Should any section of this By-Law is declared invalid by a court of competent jurisdiction, then such section apart shall be regarded as being severable from the rest of the By-Law and the remainder of this By-Law is deemed valid.

XVI. AMENDMENTS

By-Law 838-14 may be revised or amended, from time to time, by resolution of Council.

XVII. REPEAL

Town of Oyen By-Law No. 799-10 and any amendments thereto are hereby repealed effective the date of final reading of this By-Law.

XVIII. PENALTY

Any person who contravenes a provision of this By-Law is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

XIX. ENACTMENT

This By-Law shall come into force and effect on January 1, 2015.

Read a first time this 12th day of November, 2014.

Read a second time this 9th day of December, 2014.

Read a third time and passed this 9th day of December, 2014.

Signed this 10th day of December, 2014.

*Original Signed by
Doug Jones*

MAYOR

*Original Signed by
Charmain Snell*

CHIEF ADMINISTRATIVE OFFICER

A.	Water Charges	
	Flat fee per billing period	\$ 52.50
	Consumption fee per cubic meter	\$ 2.52
B.	Sewer Charges	
	Basic: Flat fee per billing period	\$ 15.00
	Plus 30% of metered water charge	
	Greenhouse: Flat fee per billing period	\$ 15.00
	Plus 5% of metered water charge	
D.	Arrears Penalty	
	A penalty of five percent (5%) will be added to the arrears balance of all accounts	
E.	Metered Water from Reservoir	
	Per hundred (100) gallons	\$ 1.75
F.	Billing Period	
	Bills shall be generated every two months	
G.	Hourly Sewer Service Charge (per employee)	
	Working hours 8:00 a.m.-5:00 p.m.	\$ 80.00
	After hours, holidays, weekends & evenings	\$160.00
H.	Reconnection Fee	\$ 50.00

1. Tapping into a water main or Town sewer without the permission of the Town.
\$200.00

2. Discharge of prohibited materials into the Town sewer system.
\$200.00

3. Remove, operate or alter any portion of the utility services.
\$500.00