



**BYLAW NO. 03-2017
OF THE
VILLAGE OF WABAMUN
IN THE PROVINCE OF ALBERTA**

A BYLAW of the Village of Wabamun in the Province of Alberta for the purpose of regulating and controlling WATER AND WASTEWATER service and usage within the Village of Wabamun.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26 R.S.A. 2000, and amendments there to, the Village of Wabamun Council has the power to pass a Bylaw respecting Public Utilities within the Village

AND WHEREAS, all utility services belonging to the Village shall be under the direct control and management of the Village

NOW THEREFORE, the Council of the Village of Wabamun, duly assembled, enacts as follows:

SHORT TITLE: This Bylaw may be referred to as the WATER AND WASTEWATER or VILLAGE UTILITIES Bylaw.

SECTION 1: USE AND CONTROL

The use and control of all Public Waterworks, Water Treatment Systems, Common Wastewater, and Sewage Disposal Works connected therewith shall be in accordance with this Bylaw.

SECTION 2: AREA OF RESPONSIBILITY

All Public Waterworks, Sanitary Wastewater System, Storm Wastewater System, Drains, and Wastewater Disposal Works belonging to the Village now installed or hereafter installed shall be under the direct control of the Village.

SECTION 3: DEFINITIONS

APARTMENT BUILDING- a group of rooms in one building, designed for use as a dwelling, furnished or unfurnished, for stays longer than one night, ie monthly or annually. For purposes of billing these are considered multi-residential units.

AUTHORIZED PERSONNEL- An employee of the Village or outside contractor authorized by the CAO for the purpose of providing water, sewer or water management service

BYPASSING – using a pipe or valve system to allow water to enter the plumbing system of a property or properties without going through the water meter

CAO – Chief Administrative Officer or Village Administrator appointed by Council

CC - a water shut off valve between the municipal service line and the property service line

CHURCH - For the purpose of billing in this Bylaw, is a building used as a place of worship

COMMERCIAL & INDUSTRIAL – For the purpose of billing in this Bylaw, is a building used as a place of business (excluding home businesses) including industrial, retail, wholesale, service, recreational and multi-use premises-including but not limited to cafes, restaurants, stores, warehouses, office buildings, factories, banks and fuel stations, excluding hotels, motels, car washes and laundromats

COMMERCIAL & INDUSTRIAL PREMISES – Site, including any building used as a place of business (excluding home businesses) including industrial, retail, wholesale, service, recreational and multi-use premises, including but not limited to cafes, restaurants, stores, warehouses, office buildings, factories, banks and fuel stations, excluding hotels, motels, car washes and laundromats

CONSUMER OR CUSTOMER – any person who has entered into an agreement with the Village for utility services or who is the owner of any premises connected to or provided with utility services under this Bylaw

COUNCIL – The Village of Wabamun Elected Officials

FLAT RATE – The rate established in the Village of Wabamun Master Rates and Schedules Bylaw for this Water and Wastewater Bylaw

HOTEL – - temporary sleeping place for people traveling, usually furnished and has daily rates for unit rentals

INSTITUTIONAL – for the purpose of this bylaw includes schools, hospitals and Seniors Care facilities

MOTEL - temporary sleeping place for people traveling, usually furnished and has daily rates for unit rentals

MULTI- RESIDENTIAL - A building, which is either occupied or intended to be occupied by more than one (1) person, family or group living independently of one another in the building in separate, self-contained dwelling units and without restricting the generality of the foregoing, includes apartment buildings, duplex houses, and single family homes with ancillary suites containing the following: cooking, living, dining, sleeping, and toilet facilities, whether or not such ancillary suites have a private outside entrance

MULTI-TENANT COMMERCIAL - For the purpose of billing in this Bylaw means a commercial building or structure which houses one or more separate businesses with a single metered service, ie a two bay commercial building or multi-user application such as an R.V. park or similar operation where more than two customers are being serviced internally by municipal utilities

OWNER – The person, corporation or business that holds the title of a parcel of land

PERSON – The firm, corporation, owner, occupier, lessee, or tenant

PROPERTY – A lot or combination of contiguous lots upon which development may be constructed

PROPRIETOR – The owner, occupant, manager, lessee, tenant or any other person in charge of premises

RAW WATER – The water stored in the water cells or wells intended for treatment and distribution

RENTER – A person who is temporarily residing on another person’s property in exchange for rent or other arrangement

RESIDENTIAL – For the purpose of billing in this Bylaw means all buildings which are designed and used exclusively for living accommodations including but not exclusive to single and multi-family dwellings and condominiums

RESIDENTIAL PREMISES – Any site, including any building, that exists thereupon that is used or intended for use for residential purposes including but not limited to both single family and multiple family dwellings and condominiums

RESIDENTIAL UNIT - For the purpose of billing in this Bylaw means all separate dwelling units which are designed and used exclusively for living accommodations and have separate entrances. Without restricting the generality of the foregoing, this includes but is not limited to apartments, condominiums, each half of a duplex and basement suites. For reference a four-plex has four residential units, a duplex has 2 residential units and a building with 12 apartments has 12 residential units.

WASTEWATER SERVICE LINE – The sewer pipe or line extending between the connection to the street main and the property line of the service site

WATER SERVICE LINE – the water pipe or line extending between the connection to the main in the street and the property line of the service site

STREET MAIN – The water and/or wastewater pipe or line that feeds water or collects wastewater through services lines to the service sites

TAMPERING – the adjusting, altering or removing of a water meter by any means or device which

prevents the meter from duly registering the quantity of water supplied, or in any manner interferes with its proper action or just registration, or the adjusting or altering of valves which belong to the village. This also includes, but is not limited to the adjusting, altering or removing of drains, cc's, manhole covers, or any other part of the Village owned Water Works system.

UTILITY – A system or works used to provide one or more of the following for public consumption, benefit, convenience, or use:

- i. Water
- ii. Sewer

VILLAGE – Village of Wabamun

SECTION 4: GENERAL PROVISIONS

- 4.1 No person or enterprise other than the Village shall provide the same or similar type of utility service outlined in this Bylaw in any part of the Village except where special permission is approved by Council.
- 4.2 Except where authorized by the Village no person or enterprise shall open, close, tamper or interfere with any hydrant valve connected to the Village water/wastewater system.
- 4.3 The Chief and Members of the Fire Department are authorized to use the hydrants or plugs for the purpose of extinguishing fires, or for trial testing of hoses and other equipment necessary for fire protection and service. Proof of Official Training Certification required for authorization.
- 4.4 No commercial water retreating or resale will be allowed without a permit in the Village.
- 4.5 The rates for all services provided under this Bylaw shall be set out in the Village of Wabamun Master Rates and Schedules Bylaw of the Village of Wabamun
- 4.6 The Administrator may reserve the right to exempt certain users from provisions of all or portions of this Bylaw due to unpaid accounts, contravention of this Bylaw, non-compliance issues, etc. and the administrator may also reserve the right to refuse or cut off service to any customer who does not meet code standards or violates any portion of this bylaw.
- 4.7 Council may by resolution restrict the use of water to meet emergent need or for the preservation of the water supply. No person shall wrongfully or improperly waste water.

SECTION 5: INSTALLATION OF WATER/WASTEWATER SERVICES

- 5.1 Any property owner requesting a new utility service connection to the Village Water Works or Waste Water System shall make application to the Village of Wabamun and provide the necessary documentation required to obtain approval. Prior to installation, the owner or their agent shall enter into a servicing agreement with the Village that establishes standards for construction practices and materials and pay a fee as set out in the Village of Wabamun Master Rates and Schedules Bylaw, to recover the cost of processing each application. Failure or refusal to enter into a service agreement does not absolve any customer from the requirements of this bylaw or from meeting standards set by the municipality or provincial or federal codes.
- 5.2 No person or enterprise shall make connection or communication whatsoever with any of the service lines or street mains on municipal property without first having obtained a permit to do so from the Village.
- 5.3 Any person requesting utility service from the Village of Wabamun must install a water meter at their own expense prior to the provision of service and pay a fee for the meter as set out in the Village of Wabamun Master Rates and Schedules Bylaw. The property owner is responsible for all damages to the water meter and must prevent unwanted harm or damage to the meter by locating the meter inside the building on the property, wherever possible, and ensuring it is easily accessible (do not wall in or block meter with debris) for service or reading and is protected from freezing.
- 5.4 Any person who desires a new water or sewer service connection shall apply in writing to the administrator and pay the amount specified in the Master Rates and Schedule Bylaw. In the event that mains and/or services to the property are required in order to provide the services for the applicant, the applicant will be required to pay the costs of said mains and service lines, including surface repairs to landscaping, drive ways, roads, sidewalks or infrastructure required to bring the affected area back to the pre-line installation state. The council may refuse to allow any new connection or installations or change any existing service at any time for any reason which it may consider sufficient.

SECTION 6: SERVICE OF WATER/WASTEWATER LINES

- 6.1 The Village shall be responsible for the municipal water lines located on or under municipal property, from the water main up to and including the CC. If no CC is present then the municipal responsibility will end at the property line. The Village shall also be responsible for the municipal wastewater lines located on or under municipal property, from the main up to the private owner's property line. This responsibility includes service, maintenance and repair of the lines and restoration of any surrounding area or infrastructure, whether municipally owned or otherwise, disturbed, damaged or destroyed by the actions of fulfilling this responsibility.
- 6.2 The property owner shall be responsible for the water lines located on or under their property from the CC into their property. If no CC is present then the property owner's responsibility will begin at the property line. The property owner shall also be responsible for the wastewater lines located on or under their property from the property line into their property. For both water and sewer lines this includes the lines servicing any dwelling or building located on the site, and all the costs associated with the repair or replacement of these lines regardless of the need or cause for doing so. This responsibility also includes restoration of any surrounding area or infrastructure disturbed, damaged or destroyed by the installation or repair of water or wastewater line(s) on the property and/or caused to neighbouring or municipal properties. In applications where a cc has been installed inside the property boundary the municipality, at the CAO's discretion, may charge any repairs or maintenance required to those lines or cc's to the property owner for the repairs or maintenance required within the property boundaries.
- 6.3 Should the Village perform exploratory excavation and determine that a water or sewer line leak or break is on private property the Village shall be responsible for repair or replacement of municipal property, including surface repairs to landscaping, drive ways, roads, sidewalks or infrastructure required to bring the affected area back to the pre-repair or pre-replacement state.
- 6.4 No person shall deliberately interfere with, tamper with, or adversely affect any of the Water Work Systems in the Village of Wabamun and this includes, but is not limited to, the changing of, or the hindering of water flow or service ability within the Village or tampering with water meters, valves, shuts offs, drains, cc's, manhole covers, or any other Village owned Water Works appliances.
- 6.5 While the Village Public Works employee or outside contractor is attending to the repair, replacement or installation of utility service or to address an emergent need, the Village shall reserve the right to shut off the water supply to any consumer without prior notice and for as long as may be necessary to remedy the situation at hand. The Village shall not be held liable for any damages resulting from suddenly shutting off the supply of water.

SECTION 7: UTILITY SERVICE ACCOUNTS

- 7.1 All utility accounts will be in the property owner's name(s); matching the name on the land title and municipal tax roll.
- 7.2 All property owners requesting connection to or disconnection from the Village utility system shall complete the required form and be charged a fee for this service as set out in the Village of Wabamun Master Rates and Schedules Bylaw.
- 7.3 Failure to notify the Village of a change in water service, by completing the required form and paying the applicable fee, shall result in continued billing for this utility service account to the property owner.
- 7.4 The utility bill shall provide details for each utility service provided to the property, calculated and listed separately, including the service period, rate, the consumption amount, service charges applied and when payment is due.
- 7.5 A flat rate monthly fee is applied to every utility service account (if a single account services multiple residential units then the fee shall apply to each unit) and an additional fee is applied for every cubic meter of water metered or estimated as set out in the Village of Wabamun Master Rates and Schedule Bylaw.
- 7.6 The utility bill shall be mailed to the property owner in the middle of each month
- 7.7 The payment of the utility service account shall be due and payable when the account is rendered and failure to receive a bill shall in no way affect the liability of the property owner to pay the account.
- 7.8 Payment of utility bill can be processed at the Village Office counter during regular business hours with cash, debit, or charge card. Customers can also drop off their payment in the outside mail drop after hours or send it by mail. Online banking is also available or payment can be

made at designated sites in the community. Payment is processed in accordance to the date stamped on the payment stub by the office, bank or post office.

- 7.9 All outstanding balances on the property owner's utility service account after the due date shall be charged a penalty in accordance with the Village of Wabamun Master Rates and Schedules Bylaw and levied on the first of the month.
- 7.10 Any property owners with outstanding utility service accounts shall be notified on their utility billing of the penalty added to the account for failure to pay and be notified that the Administrator may order a disconnection should the account not be settled satisfactorily, or payment arrangements made and held to, within thirty (30) days following the addition of the penalty. The customer shall then be subject to applicable turn off and on fees as shown in the Master Rates Schedule. The administrator will notify overdue account customers in writing a minimum of 15 days prior to any service disconnection.
- 7.11 All overdue utility account balances that are more than sixty (60) days in arrears on December 30th shall be rolled into the property owner's tax account and henceforth, the total balance now in the tax account shall be charged penalties in accordance to the tax penalty fee as found in the Office Fee Schedule of the Master Rates and Schedule
- 7.12 All property owners requesting utility service to their property must install a water meter at their own cost and comply with the regulations as set out in the Utility Services Bylaw.
- 7.13 Property owners may request that an additional utility bill be sent to the occupant of their property without charge.
- 7.14 All utility accounts, including interim accounts for utilities service(s), shall be due and payable to the Village on the last day of the month in which it was billed
- 7.15 Rates for all utility services will be established by Council and set out in the Village of Wabamun Master Rates and Schedule Bylaw.
- 7.16 Utility accounts in arrears at the time of a change of possession or ownership of a property shall become the responsibility of the new owners unless prior arrangements have been made and adhered to

SECTION 8: PENALTIES AND ENFORCEMENT

- 8.1 Enforcement of penalties shall be carried out by the Administration of the Village and shall be set out in the Village of Wabamun Master Rates and Schedules Bylaw.
- 8.2 Enforcement of the Bylaw shall be contingent upon considerations such as budget and staffing.

SECTION 9: GENERAL

- 9.1 Should any provision of this Bylaw be found invalid, the invalid portion shall be severed and the remaining Bylaw shall be maintained.
- 9.2 with passage of this bylaw Utility Bylaw 15-2014 is hereby repealed.
- 9.3 This Bylaw shall come into force and effect on the day of the third and final reading.

READ A FIRST TIME IN COUNCIL THIS 18th day of July, 2017

READ A SECOND TIME IN COUNCIL THIS 18th day of July, 2017

READ A THIRD AND FINAL TIME IN COUNCIL AND PASSED THIS 18th day of July, 2017

SIGNED BY THE CEO THIS DATE

CHIEF ELECTED OFFICIAL

SIGNED BY THE CAO THIS DATE

CHIEF ADMINISTRATIVE OFFICER