

A Bylaw for the Municipal Corporation of the Village of Innisfree, in the Province of Alberta to set forth the terms and conditions for the supply of water and wastewater services in the Village of Innisfree.

**WHEREAS** the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended ("MGA"), including Sections 7 and 8, Division 3 thereof, provides that Council may pass bylaws for the purpose of operating a public utility, subject to any terms, costs or charges which may be established by Council;

**AND WHEREAS** the Village of Innisfree owns and operates a water distribution system and a wastewater collection system which are operated as public utilities (the "Utilities") for the benefit of its residents;

**AND WHEREAS** Section 3 of the *MGA* provides that Council may, by bylaw, prohibit any Person other than the municipality from providing the same or a similar type of utility service in all or part of the municipality;

**AND WHEREAS** the Council of the Village deems it is necessary and desirable to establish a Water and Wastewater Services Bylaw to govern the management and operations of Utilities;

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

**1. General**

**1.1** This Bylaw may be cited as "The Water & Sanitary Sewer Bylaw"

**1.2** Utility Services provided by the Village to a User shall be provided pursuant to the terms, conditions and provisions of this Utility Bylaw, the contents of which shall be binding upon and form part of an agreement between the Village and the User for the provision of Utility Services.

**2. Definitions**

**2.1** In this bylaw, each of the following words or terms will have the following meaning unless expressly stated otherwise:

- a. '**Account**' means an agreement between a Customer and the Village of Innisfree for Water and Wastewater Services, of which the terms of this Bylaw shall form a part and includes the amounts payable from time to time by the Customer to the Village.
- b. '**Bylaw**' means this Utility Bylaw.
- c. '**Bylaw Violation Ticket**' means a notice of contravention of this Bylaw issued in accordance with section 9 of this Bylaw.
- d. '**Bypass**' means plumbing, affixed with a Seal, installed on 50 mm (2 inch) lines and larger to divert Potable Water around the Water Meter if the Water Meter requires maintenance or repair.
- e. '**CAO**' means the Village employee holding the position of Chief Administrative Officer of the Village of Innisfree and includes any other Village employee the CAO authorizes to perform any duties or exercise any powers of the CAO as set out in this Bylaw.
- f. '**Control Valve**' means the part of the Service Connection (Private) consisting of a valve located in a Premises within a building which, when shut off, allows no Potable Water to enter the building.
- g. '**Council**' means the Municipal Council of the Village of Innisfree
- h. '**Cross Connection**' means a connection between a waterline and another pipe or apparatus whereby Potable Water could mix with liquids or solids and thus has a potential to become contaminated.
- i. '**Curb Cock**' or '**CC**' means the part of the Service Connection (Village) consisting of a control valve located on or near the property line of a Parcel of Land which can turn on or off the Potable Water to the Parcel of Land.
- j. '**Customer**' means any Person who is party to an Account with the Village.
- k. '**Designated Officer**' means a designated officer as defined in the *Municipal Government Act*.
- l. '**Emergencies**' means an act of God, a condition over which the User or the Village has no control, a condition that creates an imminent danger or a real possibility of Property damage or personal injury, or when a condition or situation is declared to



- be an Emergency by Council, or the Federal or Provincial Crown, or other civil authority having jurisdiction.
- m. **'Engineering Design Standards'** means the Village's Minimum Engineering Design Standards, or in the absence of such standards, generally accepted municipal engineering standards.
- n. **'Meter'** means the individual or compound water meter and all other equipment and instruments, including but not limited to, radio frequency units and remote water metering devices supplied and used by the Village to calculate and register the amount of water consumed relative to the land and buildings which the Meter is designed to monitor.
- o. **'Municipal Government Act'** means the *Municipal Government Act*, R.S.A. 2000, c. M-26 and amendments thereto and may be referred to in this Bylaw as the MGA.
- p. **'Municipal Tag'** means a tag or similar document issued by the Village pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence.
- q. **'Non-Metered Site'** means a premise that is not permanently, or cannot temporarily, have a water meter installed to measure the potable water usage.
- r. **'Owner'** means:
- i. in the case of land, the Person who is registered under the *Land Titles Act*, R.S.A. 2000, Chapter L-4, as amended, as the owner of the fee simple in the parcel of land; or,
  - ii. in the case of any other property other than land, the Person in lawful possession of it.
- s. **'Parcel of Land'** means a parcel of land as defined in the *Municipal Government Act*.
- t. **'Peace Officer'** means an individual engaged by the Village as Community Peace Officer or a Bylaw Enforcement Officer, a peace officer as defined in the *Peace Officer Act*, R.S.A. c.P-3.5 or a member of the Royal Canadian Mounted Police.
- u. **'Person'** means any individual, partnership, corporation, company, society or government entity and the successors, heirs, executors, administrators or other legal representatives of a Person to whom the context can apply according to law.
- v. **'Potable Water'** means water supplied from the Waterworks System that does not contain contaminants or infective matter and is considered satisfactory for human consumption, which is supplied through a Service Connection or Hydrant.
- w. **'Premises'** means land, buildings, or both, or a portion of either occupied or used for any purpose within the Village.
- x. **'Private Service Line'** or **'Private Service Pipe'** means that portion of a water Service Connection, which extends from the Service Connection Point to and within a Property, including piping located on or within the exterior walls of the building, and running from exterior walls to couplings, stop cocks, Meters and any other apparatus placed inside the building by the Village, and for which the Owner of the Property has ownership of, and responsibility for the maintenance and repair, excluding the Meter which is owned by the Village and means that portion of a pipe used or intended to be used for the collection of sewage, which extends from the Property Line to and within a Property, and those portions of the Utility Systems defined by the MGA as a "service connection" which is located on or within a Property.
- y. **'Provincial Offences Procedures Act'** means the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34.
- z. **'Remote Readout Device'** means a device attached to the outside, or inside of a building which allows the Water Meter to be read remotely, and may include a device that the Water Meter to be read via radio transmission.
- aa. **'Service Connection'** means that portion of pipe used to supply water from the Water Main to a Property which includes a Water Service Line, a Service Connection Point and a Private Service Line and that portion of pipe used to convey sewage from a Property which includes a Private Service Pipe.



- bb. **'Service Connection Point'**, means that Village-owned point where a CC physically connects a Water Service Line to a Private Service Line (which will ordinarily be a point at or near a Customer's property line), but may be within the boundaries of an easement area granted to the Village for its Waterworks System and that portion of a pipe used for the collection of sewage which extends from the Sewer Main to the Property Line.
- cc. **'Sewer Services'** means the provision of Sewer Services to Property within the Village by means of pipes and related equipment and systems, but does not include the provision of Sewage Services by any other means.
- dd. **'Tenant'** means a Person who is not the Owner but who is in legal possession of the Property to which a Utility Service is provided.
- ee. **'Utility Bill'** means a document issued by the Village which sets out charges for Water and Sewer Services provided to the User, which may include charges, arrears and late payments charges as set out in the Master Utility Bylaw.
- ff. **'Village'** means the Municipal Corporation of the Village of Innisfree and its duly authorized representatives or the geographic area contained within the boundaries thereof, as the context requires.
- gg. **'Water Demand Management Measures'** means restrictions upon the use of water for non-essential purposes, including, but not limited to: irrigation, washing of vehicles, driveways or sidewalks, and any other purpose where water is utilized externally to a building and on any certain day or for a certain time period.
- hh. **'Water Main'** and **'Sewer Main'** means those pipes installed for the conveyance of water or the collection of sewage within the Village to which Service Connections may be connected.
- ii. **'Water Service Line'** means that a portion of a Service Connection owned by the Village which extends from the Water Main to the Service Connection Point.
- jj. **'Water Services'** means the provision of potable water by the Village to the Customer and associated services contemplated by the Master Rates Bylaw offered to the Customer under this Bylaw.
- kk. **'Waterworks System'** means that system of water reservoirs, pumping stations, feeder mains, Service Connections, valves, fittings, fire hydrants, Meters, Cross Connection control devices and all other equipment and machinery of whatever kind owned by the Village and which is required to supply and distribute water to Customers and which is deemed to be a public utility within the meaning of the *Municipal Government Act*.
- ll. **'Working Day'** means that portion of the day between 9:00 am and 5:00 pm from Monday to Friday inclusive, except for statutory holidays and other holidays approved by Council.

### 3. Connections – General

- 3.1 All Persons wishing to obtain Water and Sewer Services from the Village must submit an Application for Utility Services prior to the affected Property being occupied or otherwise put into use or the Utility Services being connected. Such application shall be made not less than three (3) Working Days prior to the date the Utility Services are required. Upon submission of the Application for Utility Services, a non-refundable water/sewer connection fee, as set out in the Master Rates Bylaw will be charged. The Village may refuse to supply Utility Services if the prospective user does not pay the connection fee or has any outstanding accounts with the Village.
- 3.2 Every person who is granted Utility Services pursuant to Sections 3.1 and 3.3 of this Bylaw, or otherwise receives Utility Services, shall pay the Village the monthly service charges and consumption rates as set out in the Master Rates Bylaw.
- 3.3 All Utility Services provided by the Village shall be provided in accordance with this Bylaw, and this Bylaw shall be applicable and binding upon all persons receiving Utility Services from the Village, including the Owner of any Property connected to, or receiving Utility Services from the Village. Upon the change of ownership of a Property, the new Owner shall make a new application for Utility Services from the Village, failing which, the Village may deem an application for Utility Services to have been received from a new Owner of a Property.



- 3.4 Except as provided under this Bylaw, the Village shall not grant Utility Services to a Tenant of any Property.
- 3.5 The Owner of a Property, and not a Tenant, shall be responsible for making an Application for Utility Services with the Village. However, to allow for transition, a Tenant whose account is in good standing at the time this Bylaw comes into effect may continue to receive Utility Services until such a time as the Tenant closes the account, or alternatively, the Utility Services are discontinued for any reason.
- 3.6 Notwithstanding section 3.5 above, the Owner of a Property where Utility Services are received shall be responsible for all Utility Services delivered or consumed and all charges levied for Utility Services delivered to a Property, whether the delivery of Utility Services was measured by way of a Meter or a measuring device, or whether delivered or consumed by accidental or illegal means.
- 3.7 Notwithstanding section 3.5 above, an Owner may make an Application in a form prescribed in Section "A" attached hereto, to have Utility Bills mailed to an Occupant at a Property under the Owner's name.
- 3.8 All Users wishing to finalize Utility Services shall advise the Village, in writing, providing at least four (4) Working Days' notice prior to final date, however, all fees and charges shall continue to apply until a new application is received.
- 3.9 All Properties receiving Utility Services shall have a Meter installed to calculate the amount of water consumed on that Property. The Meter must be approved by and installed to the satisfaction of the Village.
- 3.10 All Meters shall be owned, supplied and maintained by the Village, except as herein provided.
- 3.11 **In the event, there is a temporary or a permanent difficulty to permit the water meter installation, the Master Rates Bylaw will include a non-metered water service rate for those premises.**
- 3.11 The Village, as a condition of providing Utility Services, may inspect the Property of a User or potential User who applies to the Village for services.
- 3.12 No person shall uncover, alter, disturb or make use of connections with, or openings into, any public sewer or appurtenances thereof without written authorization from the CAO.
- 3.13 In the event that a sewer service is abandoned or discontinued within a Property, the Owner of the Property, at his expense, shall effectively cap the sewer at a suitable location within the Property in order to prevent wastewater, storm water, soil, dirt or debris from being washed up or backed up into the Village's Service Pipes, Sewer Mains, or Utility System.

#### **4. Connections – New Developments**

- 4.1 A Person developing a Property who wishes to receive Utility Services shall pay to the Village a construction water use fee and a water Meter Installation fee as set out in the Master Rates Bylaw. Payment for these fees shall be made at the time of application for the required building permit. The CAO may require construction water use to be metered and billed in accordance with the Master Rates Bylaw.
- 4.2 A Person developing a Property requiring connection to the Utility Services shall provide and install all necessary wiring for the installation of a Meter and a Remote Reader in locations that provide unobstructed access to designated Village employees or authorized contractors, for the purpose of the installation, removal, inspection, repair, monitoring and checking of the Meter and Remote Meter, as well as the Village's Service Pipe(s).
- 4.3 Meters of less than 2.54 centimeters (one (1") inch) will be installed by the Village at the expense of the Owner of the Property or his general contractor. It is the responsibility of the Owner or his general contractor to notify the Village to install the Meter and Remote Reader.



- 4.4 Meters of more than 2.54 centimeters (one (1") inch) will be installed by the Owner's general contractor at their expense.
- 4.5 All Persons doing any work or service upon a Private Service or the plumbing system attached thereto shall comply with all Legislation, Laws, Codes, Acts, Regulations and Bylaws in force at the time.
- 4.6 Unless the CAO approves otherwise, no Person shall have, construct or maintain more than one Private Service to any Property.
- 4.7 When, for any reason, temporary Water Service is required, the Persons shall pay in advance the whole cost of its construction, together with the abandoning it when no longer needed. An application for such service shall be made per sections 3.1 and 4.1 above. If, in the opinion of the CAO, a Water Meter should be installed on a temporary service, the applicant shall provide a safe and adequate Meter setting in a location to be approved by the Village, and shall be responsible for the protection of the whole installation while his account is open for service.
- 4.8 A Property shall be approved for occupancy by an authorized Building Inspector only after the Meter, with proper Remote Reader wiring is in place.
- 4.9 A Person who wishes to connect any piping to the Village's Utility System must apply to the Village for approval. Such application shall include:
  - a. Construction drawings identifying the proposed connection, associated piping, fittings and installations, and any other information required by or set out in the Engineering Standards;
  - b. Payment of any off-site levies or any other outstanding amounts in relation to the Property that are due to the Village; and
  - c. Payment of any amounts due under development agreements in relation to the Property.
- 4.10 No Person shall allow the discharge from a sump pump to enter the Utility System. However, when the CAO deems it advisable, the CAO may, but shall not be required, to approve an interim measure for connecting the Sump Pump Discharge to the Sanitary Sewer during the period November 1<sup>st</sup> through to April 30<sup>th</sup> of any given year. Any such approval must be in writing and may be subject to such conditions as the CAO deems advisable.
- 4.11 No Person shall connect, or allow to be connected, either directly or indirectly, a sump pump or its discharge, to the Utility System unless this Bylaw otherwise specifically allows such connection.
- 4.12 All vehicle or gas service stations and vehicle and equipment washing establishments shall have grease, oil and sand interceptors installed by and at the expense of the Owners of such Properties. In addition, such interceptors:
  - a. May be required for other types of businesses or Properties if the CAO determines they are necessary or desirable for the proper handling of liquid waste, located at or used within or by such businesses or Properties.
  - b. Shall be of the type and capacity approved by the CAO and shall be located to provide easy access for cleaning, inspection and maintenance by the Owner, at his expense.
- 4.13 No person shall develop, construct, or operate a vehicle or gasoline service station, or a vehicle or equipment washing establishment, or such other types of businesses or Properties as may be designated by the CAO pursuant to section 4.12 a. hereof, without installing an operative grease, oil and sand interceptor of a type and capacity approved by the CAO.
- 4.14 No Person shall fail to properly maintain a grease, oil and sand interceptor that is required by this Bylaw.
- 4.15 Basins on Private Property shall be maintained by the Owner of the Property at the Owner's sole cost and expense.



4.16 All applications for development and all development, construction or installations contemplated under this Bylaw shall comply with the provisions of the *Safety Codes Act*, R.S.A. 2000, c. S-1 ("SCA") and regulations made thereunder and the Village's General Design Standards.

4.17 A Person other than the Village or their authorized representatives may only operate a CC with the written consent of the CAO or his designate and for the purpose of testing a Private Service Pipe or replacing or renewing of a master covered valve. After completion of the testing, the Person shall immediately close the CC. A Person shall not operate valves of 40 mm or larger for any purpose.

## 5. Service and Servicing

5.1 The Village is hereby authorized to supply Water Services and Sanitary Sewer Services within the boundaries of the Village pursuant to the terms of this Bylaw and subject to such economic or other restraints as Council, in their discretion, may deem appropriate.

5.2 The Village shall be the sole provider of Water Services and Sanitary Sewer Services to land and Properties within the Village, unless Council, in its discretion, authorizes the Village to enter into an express written agreement to the contrary. No other Person shall provide Water Services and Sanitary Sewer Services within the Village unless Council, in its discretion, expressly so authorizes. However, those Properties within the Village that were not provided Water and/or Sanitary Sewer Services, are excluded from the requirements of section 5.2.

5.3 No person shall use, within the Village, a source of water other than Water Services without the written consent of the CAO. However, nothing contained in this paragraph shall prevent a Person from purchasing bottled or self-contained drinking water in units of 45.4 litres (ten (10) gallons) or less, or bulk water for irrigation purposes, or require the CAO's consent therefor. No Person who has been granted permission to use an alternate source of Water Supply shall allow the alternate Water Supply to be connected to the utility Services.

5.4 The Village is hereby authorized to repair damage and carry out maintenance to the Utility Services, except as otherwise provided for in this Bylaw.

5.5 A User shall:

- a. Allow access to a Property by the Village or the Village employees, agents or contractors charged with the installation, removal, inspection, repair, checking, monitoring, reading or maintaining a Meter, a Remote Reader, or any service piping connected to or drawing water from the Utility System.
- b. Be responsible for the repair and maintenance of any Private Service Pipe. The Village is not responsible for any damage resulting from the failure of any piping beyond the Village's Service Pipes.
- c. The User shall continue to provide a suitable place on their Property for a Meter where access is not obstructed.

5.6 In the event that access to the Meter is obstructed due to alterations made to a Property, the Village may require the Meter to be relocated to a location that provides unobstructed access. All costs, including Village costs associated with relocation of the Meter, shall be borne by the Owner of the Property.

5.7 Meters shall be read at the discretion of the CAO. If a Meter Reader cannot enter the premises to read a Meter, they may leave a card with instructions requesting the User to notify the Village with the Meter reading as soon as possible.

5.8 No person shall do, cause to be done, or permit to be done, any act which may obstruct or impede direct, safe and convenient access to the Meter.

5.9 A User shall be responsible for the safekeeping of the Meter located on a Property. Users shall comply with all directions from the Village to prevent Meter damage due to frost, heat, or other causes, and shall refrain from taking any action that causes Meter damage. Damage resulting from extremes in temperature or damage from neglect of the User, will be charged to the User.



- 5.10 The Village employees, agents or other representatives shall have the right to enter a User's Property at all reasonable times to install, maintain, inspect, replace, test, monitor, read or remove the Village's Property, respond to a User's complaint or query, conduct an inspection relating to concerns with unauthorized use of water or sewer, or tampering with the Utility System, or for any other purpose incidental to the provision of Utility Services. A User shall not hinder or prevent the Village's entry.
- 5.11 Except in the case of an Emergency, where entry is permitted by an Order of the Court, or otherwise legally empowered to enter, before entering a User's Property, the Village shall make reasonable effort to give notice of entry to the User or other responsible Person who is at the Property and who appears to have sufficient authority to permit entry.
- 5.12 A User shall be responsible to thaw out frozen Private Service Pipes. The Village may provide this service at the User's expense.
- 5.13 When a Private Service Pipe passes through an excavation, an area of backfill, through a basement wall, finished or unfinished, or through a retaining wall, the Village shall not be responsible for any damages due to displacement, settlement or any cause due to the Owner's operations whether damage occurs during building construction or afterwards.
- 5.14 No Person shall take water from a Village fire hydrant, except with Village approval, which approval may be subject to such conditions that the Village, in its discretion, deems appropriate. Any un-metered water usage from a fire hydrant may be considered unauthorized use of water. Any Person using water from a fire hydrant is required to use a Village supplied fire hydrant meter, to use an approved backwater prevention device, to take steps to prevent damage to municipal infrastructure, tools and equipment and to pay any costs promptly provided for in the Master Rates Bylaw.
- 5.15 No Person shall do anything to obstruct access to a fire hydrant or to interfere with the operations of a fire hydrant.
- 5.16 Any Person who owns a Property adjacent to Property on which a hydrant is located, shall maintain clearance of one and a half (1.5 meters (five (5) feet) around a hydrant and shall not permit anything to be constructed or erected within that area, or permit anything to interfere with a fire hydrant. Piling of snow around a fire hydrant is not allowed.
- 5.17 No Person shall obstruct access to a CC. Any Person obstructing access to a CC shall be responsible for all costs incurred by the Village to gain access to the CC, or clear or remediate the obstruction.
- 5.18 No person shall turn, lift, remove, raise or tamper with the cover of any manhole, ventilator or other appurtenance of any Village Sanitary Sewer, except duly authorized employees of the Village.
- 5.18 A request by a User for Utility Services to be Turned Off for his own purposes, shall be provided in writing at least four (4) Working Days in advance , and shall be accompanied by payment of the water disconnection fee and a reconnection fee, both as set out in the Master Rates Bylaw.

## **6. Restrictions, Prohibitions and Interruption of Service**

- 6.1 The Village may, in its discretion, Turn-Off Utility Services, in whole or in part, to any User for any reason including non-payment, provided that in cases of non-payment the Village shall give notice of such a Turn-Off to the User.
- 6.2 The Village does not guarantee or warrant the continuous supply of Utility Services and the Village reserves the right, in cases of Emergencies, water shortages, construction or maintenance activities, to change the operating pressure, restrict the availability of Utility Services or to Turn-Off Utility Services, in whole or in part, with or without notice.
- 6.3 The Village may prohibit, restrict, or ration the use of water, as the Village deems appropriate, including circumstances of heavy demand, low reserves, maintenance, fire-fighting or Emergency. However, the Village will endeavor to provide twenty-four (24) hours' notice of such prohibitions, restrictions or rationing, when practical.



- 6.4 Users depending upon a continuous and uninterrupted supply or pressure of water or who require or have processes or equipment that require particularly clear or pure water shall provide such facilities, as they are deemed necessary, to ensure continuous and uninterrupted water supply, pressure or quality of water required for this use. The Village will not be responsible therefor.
- 6.5 The Village will not be liable for damages, including losses caused by a break within the Village's Water System or caused by the interference or cessation of Water Supply including those necessary or advisable regarding the repair or proper maintenance of the Village's Water System, or generally for any accident due to the operation of the Village's Water System or for the Turning Off of water nor reason of the water containing sediments, deposits or other foreign matter.
- 6.6 The Village may, with the permission of the User, inspect the Property of the User in order to do any tests on Private Service Pipes so as to determine compliance with this Bylaw. In the event that the User fails or refuses to give such permission, the supply of water to that User may be subject to Turn-Off.
- 6.7 No Person shall attempt to obtain Utility Services from the Utility System, by, from or through a bypass or bypasses of a Meter, or otherwise in any fraudulent manner.
- 6.8 A User shall not damage or tamper with a water seal, a Remote Reader, or a Meter, for any purpose including the alteration of any readings shown thereon.
- 6.9 No User shall vend, sell, supply, dispose of, or give away water from the Utility System or permit the same to be taken or carried away from a Property, unless approved by the CAO in writing.

## **7. Releases to the Sanitary Sewer System**

- 7.1 No Person shall release or discharge anything or matter which, if discharged, would contravene or result in the contravention of any Federal, Provincial or Municipal legislation, or the discharge of which may interfere with the proper operation of the sewage system or would become a hazard to Persons, Property, animals of the environment.
- 7.2 Except as permitted below, no Person shall release or permit the release of any matter into a sanitary sewer.
- 7.3 No Person shall release or permit the release of any matter containing hazardous waste into a sanitary sewer.
- 7.4 The following may be released into a sanitary sewer;
- a. Wastewater that does not contain:
    - i) A Hazardous Waste
    - ii) A Prohibited Waste as defined in Schedule 'B' which is attached hereto and forms part of this Bylaw; or
    - iii) A Restricted Waste as defined in Schedule 'C' which is attached hereto and forms part of this Bylaw
  - b. Storm Water from a high potential contaminant release area that is:
    - i) Covered by a permanent structure;
    - ii) Uncovered, but only if the area is 250 square meters or less; and
    - iii) Where drainage from other outdoor areas does not drain into the high potential contamination release area.
  - c. Storm water from a snow storage site; or
  - d. Storm water directed to the sanitary sewer by Alberta Environment.



- 7.5** No Person shall release or permit the release of hauled wastewater that contains any of the following:
- a. Grit or skimming from interceptors, Catch Basins, pre-treatment facilities or private wastewater disposal systems;
  - b. Sludge from interceptors, Catch Basins, pre-treatment facilities or private wastewater disposal systems;
  - c. Matter containing a hazardous waste, or;
  - d. Matter not permitted under Schedule 'C' attached hereto.
- 7.6** Notwithstanding paragraphs 7.3 and 7.4 above, hauled wastewater from a domestic source that:
- a. Contains no Prohibited Wastes listed in Schedule 'B';
  - b. Contains no Restricted Wastes listed in Parts 1(b), 1 (C) and 2 of Schedule 'C';
  - c. Does not contain commercial or industrial wastewater; and
  - d. Contains no hazardous wastes,
- will be exempt from section 7.5(b) and from the limits set out in paragraph 1(a) of Schedule 'C' attached hereto.
- 7.7** No person shall dilute wastewater so as to avoid the requirements of this bylaw.

**8. Administration**

- 8.1** The current Fees and Charges applicable to Water Services and Sewer Services provided pursuant to this Bylaw are as set out in the Master Rates Bylaw, which may be amended from time to time.
- 8.2** Utility Bills are intended to be issued on a monthly basis unless the Village determines that another billing frequency is necessary or desirable.
- 8.3** The amount of the billing shall be based upon the Master Rates Bylaw, or Other Rates described herein, with water consumption being determined by the applicable Meter reading obtained on a monthly basis. Where a Meter reading is not obtainable, at the discretion of the Village, a system-generated estimate may be used.
- 8.4** If there is a discrepancy between an inside Meter Reading and the Remote Reader for the same Property, the inside Meter reading will be deemed to be accurate, subject to the further provisions of this Bylaw.
- 8.5** In the event that the Village disputes the accuracy of a Meter, a written notice will be given to the User. In the event that a User disputes the accuracy of the Meter, the User shall present the Village with written notice accompanied by a payment of the water Meter test fee in accordance with the Master Rates Bylaw. At a time determined by both parties, the Meter situated on the Property of the User shall be tested or calibrated by a proper official designated by the Village. In the event the meter is found to be accurate within 97% to 103% of the water passing through the same, the expense of such test or calibration shall be borne by the party giving such notice. In the event that the said meter is found not to be accurate within the aforesaid limits, the Meter shall be repaired or replaced as soon as is practical and the expense of doing so shall be borne by the Village. In that event, the Village shall also return the water Meter test fee and adjust the water charges for a maximum of two (2) billing cycles.
- 8.6** Payment on account may be made to the Village at such locations designated and under methods utilized by the Village from time to time. Payments must be received on or before the Due Date noted on the Utility Bill.
- 8.7** Payment of a Utility Bill is due on the last business day of the billing month. A Utility Bill shall be deemed sufficiently mailed if mailed by ordinary mail to the municipal address of the Owner and to a User of the Property receiving the Utility Services, as the case may be. In the event of non-payment:



- a) A Utility Bill not paid by the Due Date will be considered in arrears and subject to late penalty charges, by way of a 2.5% of the unpaid Utility Bill. A further penalty of 2.5% will be applied upon the unpaid Utility Bill and Penalties accrued after 30 days.
  - b) The Village reserves the right to discontinue providing Utility Services where the Utility Bill is unpaid after 30 days. Upon disconnection, any outstanding utility account balance along with a reconnection fee as set out in the Master Rates Bylaw must be paid in full prior to the Village re-establishing the Utility Service Connection.
  - c) A sum payable, by the Owner of a Property, for the Utility Services supplied by the Village and all Rates, costs and charges imposed or loans made to him under Bylaw or resolution passed by Council are a preferential lien and charge to the Property and on the personal Property of the debtor and may be levied and collected in a manner as municipal Rates and taxes are recoverable.
  - d) At the discretion of the Village, and as provided for under Section 553 of the *MGA*, or its successor, an outstanding utility account balance may be transferred to the Property tax account of an Owner of a Property.
  - e) In the event of default in payment of any Utility Bill, the Village may, in addition to any other remedy available to the Village, enforce payment by action in a Court of competent jurisdiction.
  - f) An **Administrative Fee** as set out in the **Master Rates Bylaw** will be levied in the event that a transfer of a utility account balance to the Property tax account is deemed necessary.
  - g) A transfer of a utility account balance may be deemed necessary if the account remains in arrears for a period exceeding 120 calendar days.
- 8.8 If a User neglects or refuses to comply with a notice to repair within sixty (60) days of receipt thereof, the Village may make or cause to be made repairs at the expense of the said User.
- 8.9 No reduction in Rates will be made in the monthly charge for water and sanitary sewer services available to any User because of interruption by any cause whatsoever of the Water Supply.
- 8.10 The Village Council hereby delegates to the Chief Administrative Officer all those powers stipulated by this Bylaw to be exercised by the Village and all necessary authority to exercise those powers, excluding thereout, the power to set Utility Rates or enact bylaws, or do anything else reserved exclusively for Council pursuant to the provisions of the *MGA*.
9. **Penalties and Offences**
- 9.1 Any Person who violates, contravenes or breaches any provision or requirement of this Bylaw is guilty of an offense.
- 9.2 Any Peace Officer is hereby authorized to issue a municipal violation tag, or a violation ticket, pursuant to the provisions of Part 2 or Part 3 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34 ("POPA"), or under the provisions thereunder, in regard to this Bylaw.
- 9.3 A municipal violation tag may only be issued for those offences for which a specified penalty is prescribed in this Bylaw. The municipal violation tag shall state the specified penalty prescribed, and set out the voluntary payment option available therefor.
- 9.4 Where a municipal violation tag is issued pursuant to the terms of this Bylaw, the Person to whom the municipal violation tag is issued may plead guilty to the offence by signing the municipal violation tag in the space provided thereon, and in lieu of being prosecuted for the offence in Court, may deliver the signed municipal violation tag, and a voluntary payment in an amount equal to the specified penalty for the offence, to the Village, in the manner specified on the municipal violation tag.



- 9.5 In those cases where a municipal violation tag has been issued and the specified penalty provided therein has not been paid within the prescribe time, any Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to either Part 2 or Part 3 of POPA, as amended.
- 9.6 A violation ticket issued pursuant to the provisions of POPA, shall be served in the manner described in POPA. A municipal violation tag shall be served in any manner described in either Part 2 or Part 3 of POPA.
- 9.7 Nothing contained in this Bylaw shall prevent or prohibit the immediate issuance of a violation ticket pursuant to either Part 2 or Part 3 of POPA. Without restricting the generality of the foregoing, it is not mandatory to issue a municipal violation tag, prior to issuing a municipal violation ticket pursuant to the provisions of POPA.
- 9.8 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues, and a Person found guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each day upon which the offence occurs.
- 9.9 For the purpose of this Bylaw, an act or omission by an employee, acting in the course of their employment, is deemed to be an act or omission of their employer.
- 9.10 For the purpose of this Bylaw, an act or omission by an agent, acting in the course of their agency, is deemed to be an act or omission of the agent's principal.
- 9.11 A person who is guilty of an offence pursuant to this Bylaw is liable to pay a fine in an amount which is not to be less than FIVE HUNDRED (\$500) DOLLARS, and not more than TEN THOUSAND (\$10,000) DOLLARS, or to imprisonment of not more than SIX (6) MONTHS, for non-payment of a fine.
- 9.12 In addition, specified penalties as set out in Schedule 'D' attached hereto, are hereby established regarding the offences set out in Schedule 'D,' which forms part of this Bylaw.
- 9.13 Notwithstanding the specified penalties provided for in Schedule 'D' attached hereto, a Judge of the Provincial Court of Alberta, or any other Court, may increase the penalties provided for in Schedule 'D,' where the Court deems it appropriate to do so, having regard, among other things, to the gravity or consequences of the offence, or whether the offence has been repeated.
- 9.14 Voluntary payments, where allowed, for any offence not specified in Schedule 'D,' shall be as follows:
- a) For a first offence, a specified penalty in the sum of THREE HUNDRED (\$300) DOLLARS;
  - b) For a second offence, a specified penalty in the sum of ONE THOUSAND (\$1,000) DOLLARS; AND,
  - c) For a third or subsequent offence, a specified penalty in the sum of ONE THOUSAND, FIVE HUNDRED (\$1,500) DOLLARS.
- 9.15 Notwithstanding s. 9 hereof, nothing contained within shall restrict the Village from pursuing such further or other remedies as may be prescribed by law related to those matters set out in this Bylaw.
- 9.16 Upon third reading of this Bylaw, **Bylaw 602-15 is repealed.**

Read a first time in Council this <sup>10</sup>15 day of September, 2015.

Read a second time in Council this <sup>10</sup>15 day of September, 2015.

Read a third and final time by unanimous consent of Council this <sup>10</sup>15 day of September, 2015.

  
Mayor D. McMann

  
J. Hodel, CAO



Schedule 'A'

To: Village of Innisfree

Re: Utility Account Number \_\_\_\_\_

Civic Address \_\_\_\_\_

We/I, the undersigned registered Owner(s) of the above-noted Property hereby request that all Utility Bills issued for the said Property be forwarded in my (our) name(s) in care of the following mailing address:

\_\_\_\_\_

\_\_\_\_\_

We/I fully understand that we are/I am responsible for the Utility Bills and that non-payment of the Utility Bills will result in the transfer of outstanding balances to our/my tax account pursuant to Village Bylaws. We/I also understand that all Utility Bills, notices and other correspondence relating to this utility account will be sent to the address noted above and that a copy will not be issued to our/my mailing address.

\_\_\_\_\_  
Registered Owner(s) (Date) \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
Registered Owner(s) (Date) \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

2



## **Schedule B**

### **Prohibited Wastes Applicable to Sanitary Sewer**

The following are designated as Prohibit Wastes:

1. Any matter in concentration that may cause a hazard to human health;
2. Any flammable liquid or explosive matter which, by itself, or in combination with other substance(s), is capable of causing or contributing to an explosion or support combustion.
3. Any matter which by itself or in combination with other substance(s) is capable of obstructing the flow of, or interfering in the operation or performance of the sanitary sewer system, watercourse or wastewater treatment facility, including but not limited to:
  - a) agricultural wastes;
  - b) animals, including fish and fowl or portions thereof that will not pass a two (2) centimeter screen;
  - c) ashes;
  - d) asphalt;
  - e) concrete and cement-based products;
  - f) gardening wastes;
  - g) glass;
  - h) gravel into the sanitary sewer system;
  - i) metal;
  - j) paper and cardboard into the storm water system;
  - k) plastics;
  - l) rags and clothes;
  - m) rock;
  - n) sand into the sanitary sewer system;
  - o) sharps;
  - p) soil;
  - q) straw;
  - r) tar;
  - s) wash water from washing equipment used in the mixing and delivery of concrete and cement-based products, or;
  - t) wood, dust or shavings from wood.
4. Any matter with corrosive properties which, by itself or in combination with another substance may cause damage to any sewer system or wastewater treatment facility;
5. Any matter other than domestic wastewater, which by itself or in combination with another substance is capable of creating an air pollution problem outside a sewer system or in and around a wastewater treatment facility.
6. Any matter which, by itself or in combination with another substance, is capable of preventing safe entry into a sewer system or wastewater treatment facility;
7. Any matter:
  - a) Consisting of two or more separate liquid layers;
  - b) Which when it comes into contact with storm water, clear water or wastewater is capable of forming a separate liquid layer.



8. Any matter which by itself or in combination with another substance is detrimental to the operation or performance of the sewer system, watercourse, wastewater storage lagoons or to the environment, including but not limited to:
  - a) Biological waste;
  - b) Elementary mercury;
  - c) Paint, stains, including oil- and water-based;
  - d) Prescription drugs;
  - e) Used automotive and machine oils and lubricants;
  - f) Radioactive material in solid form;
  - g) Effluent from an industrial garage grinder;
  - h) Hazardous wastes.
9. Any matter which may:
  - a) Cause a hazard to human health and cannot be effectively mitigated by wastewater treatment;
  - b) Cause a hazard to the environment;
  - c) Cause a hazard to municipal employees and or contractors operating or maintaining the sewer system or the wastewater storage lagoons;
  - d) Cause an adverse effect to the sewer system;
  - e) Cause an adverse effect to the wastewater storage lagoons;
  - f) Result in the wastewater being released by the Village's wastewater collection system being in contravention of provincial regulatory requirements, or
  - g) Restrict the beneficial use of bio-solids from the Village's wastewater collection system and the wastewater storage lagoons.
10. Notwithstanding the above, the Chief Administrative Officer or his designate, may prohibit or set discharge concentrations and/or limit the loading rate for any other material or substance not included in the bylaw sections where required to protect wastewater facilities or processes, meet effluent standards or other legislated requirements, or control of bio-solids.
11. Water from a swimming pool or hot tub having a volume of 100 m<sup>3</sup> or more without first having received approval from the CAO.
12. Wastewater, storm water, clear water waste or other matter having:
  - a) A temperature greater than 100 degrees Celsius.
  - b) A pH balance less than 6.0 or greater than 10.5.
13. Wastewater, storm water, clear water, subsurface water or other matter resulting from site remediation activities unless a permit to release has been issued.



**Schedule C****Restricted Wastes Applicable to Sanitary Sewer**

The following are designated Restricted Wastes when present in wastewater, storm water, subsurface water or clear-water waste being released to the sanitary or combined sewage system at a concentration in excess of levels set out below, with concentrations being expressed as total concentrations unless specified otherwise:

**1. a.) Contaminants**

Biochemical Oxygen Demand (B.O.D.)	10,000 mg/L
Chemical Oxygen Demand (C.O.D.)	20,000 mg/L
Oil and Grease	800 mg/L
Phosphorus (P)	200 mg/L
Suspended Solids (S.S.)	5,000 mg/L
Total Kjeldahl Nitrogen (T.K.N.)	500 mg/L

**b.) Inorganic Compounds:**

Aluminum	50.0 mg/L
Boron	30.0 mg/L
Fluoride	10.0 mg/L
Phosphorus	200.0 mg/L
Sulphite	1500.0 mg/L
PH (Hydrogen ion)	Less than 6.0 or Greater than 11.5
Arsenic (As)	1.0 mg/L
Cadmium (Cd)	0.10 mg/L
Chlorine (Free) (Cl <sub>2</sub> )	5.0 mg/L
Chromium (Hexavalent) (Cr+6)	2.0 mg/L
Chromium (Total) (Cr)	4.0 mg/L
Cobalt (Co)	5.0 mg/L
Copper (Cu)	1.0 mg/L
Cyanide (CN)	2.0 mg/L
Lead (Pb)	1.0 mg/L
Mercury (Hg)	0.10 mg/L
Molybdenum (Mo)	5.0 mg/L
Nickel (Ni)	4.0 mg/L
Silver (Ag)	5.0 mg/L
Sulphide (S=)	3.0 mg/L
Thallium (Tl)	1.0 mg/L
Zinc (Zn)	2.0 mg/L

**c.) Organic Compounds:**

BEXT	1.0 mg/L
Carbon Letra Chloride	0.20 mg/L
Chloroform	0.20 mg/L
Hydrocarbons	50 mg/L
Pentachlorophenols	0.20 mg/L
Phenols	1.0 mg/L

**d.) Physical Property:**

Temperature	Greater than 100° Celsius
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- 2. Radioactive materials in concentrations greater than allowed under the *Atomic Energy Control Act* and the *Atomic Energy Control Regulations* as amended from time to time.**



3. Notwithstanding the above, the Chief Administrative Officer or his Designate, may reduce the allowable concentration and/or the loading rate for items in Schedule C where required to protect wastewater facilities or processes, meet effluent standards or other legislated requirements, or control bio-solids quality.
4. Dyes or coloring materials that will produce a color value greater than or equal to 500 True Color Units except the dye used by the Village as a tracer.





**Schedule D****Specified Penalties**

Offence	Section Number	Specified Penalty
Failure to cap a sewer after abandonment or discontinuance of sewer service	3.13	\$ 750.00
Failure to provide wiring for a Meter or Remote Reader in locations that provide unobstructed access	4.2	\$ 500.00
Having, constructing, or maintaining more than one Private Service to a Property without the approval of the CAO	4.6	\$2,500.00
Allowing the discharge from a sump pump to enter the Utility System	4.10	\$1,000.00
Connecting a sump pump or its discharge to the Utility System	4.11	\$1,000.00
Developing, constructing or operating a vehicle or gasoline service station, or a vehicle or equipment washing establishment, or any other type of business or Property designated by the CAO, without installing an operative grease, oil and sand interceptor of a type and capacity approved by the CAO	4.12	\$2,500.00
Failure to properly maintain a grease, oil and sand interceptor that is required by this Bylaw	4.13	\$2,500.00
Providing Water Services, or providing Sewer Services, within the Village, without the express approval of Council	5.2	\$2,500.00
Unauthorized use of a source of water, other than Water Services, without the written consent of the CAO	5.3	\$1,000.00
Unauthorized use or taking of water from a Town fire hydrant	5.14	\$ 2,500.00
Obstructing access to a fire hydrant, or interfering with the operation of a fire hydrant	5.15	\$ 2,500.00
Obtaining, or attempting to obtain, Utility Services from the Utility System through the use of a bypass device contrary to s. 6.7 of this Bylaw, or through the use of any fraudulent means	6.7	\$1,000.00
Damaging or tampering with a water seal, a Remote Reader, or a Meter	6.8	\$1,000.00
Unauthorized vending, selling, supplying, disposing of, or giving away water from the Utility System	6.9	\$1,000.00
Unauthorized release or discharge which may Interfere with the proper operation of the Sewage System	7.1	\$2,500.00
Unauthorized release of any matter into a sanitary sewer	7.2	\$2,500.00
Releasing or permitting the release into a sanitary sewer of any matter containing hazardous waste	7.3	\$2,500.00
Releasing or permitting the release of hauled wastewater contrary to the provisions of s. 7.5 of this Bylaw	7.5	\$2,500.00
Diluting wastewater to avoid the requirements of this Bylaw, or the requirements of the Alberta Capital Region Wastewater Commission Wastewater Discharge Regulation	7.7	\$2,500.00