

BYLAW NO. 1058

The Water, Sewer and Garbage Bylaw

Being a Bylaw of the Village of Delburne, in the Province of Alberta, to authorize the levy and collecting of Water, Sewer and Garbage Service Charges.

UNDER authority of and subject to the provisions of the Municipal Government Act, Chapter M-26, 2000, and amendments thereto, the Council of the Village of Delburne, duly assembled, enacts as follows:

DEFINITIONS

1. The following words and terms are defined as follows:
 - a. "Village" shall mean the Village of Delburne;
 - b. "Person, owner, occupier, consumer, firm, business" shall include a corporation, lodge, club, partnership, church, school or other similar institutions or the board or officers thereof;
 - c. "Developer" shall mean the property owner or the agent contracted by the property owner to complete the development;
 - d. "Property Owner" shall mean the person(s) or corporate body to whom the property is legally registered and who may be deemed as the legal property owner.
 - e. "Watering Cycle" shall mean an announced routine in which residents in one part of the community shall be permitted to water outside on certain designated dates, then residents in another designated area permitted to water outside on other designated dates, and so on.

GENERAL

2. The property owner of a property which is served directly or indirectly by a connection with the Village's water distribution system shall be responsible to pay a Water Service Charge in accordance with the rates set out, and updated from time to time, in **Fees and Charges Bylaw**.
3. The property owner of a property which is served directly or indirectly by a connection with the Village's sewer collection system shall be responsible to pay a Sewer Service Charge in accordance with the rates set out, and updated from time to time, in **Fees and Charges Bylaw**.
4. The property owner of a property shall be responsible to pay a Garbage Collection Charge in accordance with the rates set out, and updated from time to time, in **Fees and Charges Bylaw**.
5. Council shall have the right to determine into which classification, in the **Fees and Charges Bylaw**, any service belongs and Council's decision shall be final and binding on all persons concerned.
6. A charge of will be levied for TURNING ON and for TURNING OFF the water service. These fees shall be set out, and updated from time to time, in **Fees and Charges Bylaw**. These charges may be waived if the service is being TURNED ON and/or TURNED OFF to conduct repairs to the property.

CONNECTION AND MAINTENANCE

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7. Water meters and meter remotes, connected to the Village's water distribution system are, and at all times shall remain, the property of the Village and shall not be tampered with or interfered with at any time by any person other than the said Village or its agents. Unauthorized alteration of a water meter or meter remote shall be considered an Offence and may result in a Fine or other action of as noted in Section 18.
8. The Village shall have the right to install a water meter in a convenient place on a consumer's premises and the Village, or its duly authorized agent, shall have the right to enter upon the consumer's premises at periodic intervals to inspect said meter and determine the rate of water flow.
9. The Village shall provide the water meter and meter remote and, unless otherwise agreed upon, shall add the cost of the water meter and meter remote to the first utility statement, and this cost shall become a debt owing to the municipality.
10. Upon written application from a developer, the Village will install water and/or sewer services from the mainlines, located in the street, to the property line.
 - a. Unless otherwise agreed, the developer shall be responsible for the costs of installation of water and/or sewer lines from the water main, or sewer main, to the property line of the developer.
 - b. Unless otherwise agreed, the Developer shall be responsible for the costs of installation of the water and/or sewer line from the property line to the development. All materials used by the developer for the installation shall be constructed to the standards, and inspected and approved, by the Village.
 - c. Where the connection is made between the service line the Village has installed (from the main to the property line) and the service line that the developer has installed (from the property line to the building) the connection must be completed to the standards of, and inspected (prior to backfill) by, the Village.
 - d. Unless otherwise agreed, where the connection requires removal of street improvements, the costs of repairs for re-paving, sidewalk, curb, gutter, and boulevard restoration shall be borne by the Developer.
 - e. The Village shall remain responsible for the repair and maintenance of water and sewer service lines between the water and sewer mains and the property line, but may, at its discretion, charge the cost of repairs and maintenance, or a portion thereof, to the property owner, and those costs will be due and payable to the Village.
11. No person, other than the Village or its duly authorized employees or agents, shall Turn Off or On the water supply from the Village supply system to a consumer's premises or attempt to do so. Unauthorized service alteration shall be considered an Offence and may result in a Fine or other action as noted in Section 18.
12. Water Softeners:
 - a. To ensure that all residential and commercial Water Softeners are connected to the municipal water system correctly, residents must ensure that the installation of their water softener is recorded at the Village Office, and
 - b. To ensure that waste water from a water softener back-flushing does not 'back-wash' into the municipal water system, residents must ensure that a "back-flow preventer" (check-valve) is installed.
13. No person shall be permitted to install a drainage system into the Village's sewer system from a garage, workshop, or any building that would cause human or animal excrement,

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or other waste, or dangerous goods.

14. Where premises are subject to backflow, all plumbing fixtures and floor drains set below the level of the ground surface of the adjoining street or property shall be protected from backflow by an approved flow valve.

CONSERVATION and WATERING RESTRICTIONS:

15. The Village requires that water service be conserved, and water consumption reduced, during heavy use months.
 - a. The Village shall institute Water Conservation from May 1st to September 1st of each year.
 - b. During time of Water Conservation, the Village shall advertise the “watering cycle” available to the residents.
 - c. The “watering cycling” may be reviewed from time to time by Council and the “watering cycle” shall be published accordingly.
 - d. The Village shall curtail and reinstate the Sale of Bulk Water as deemed appropriate during times of Water Conservation.
 - e. Failure to confine outside watering to the designated “watering cycle” shall be considered an Offence and may result in a Fine or other action as noted in Section 20.

UTILITY SERVICE CHARGE NOTICES AND COLLECTION

16. All property receiving water and/or sewer and/or garbage service shall be charged regardless of its occupancy or vacancy unless the owner of the said property submits, in writing, to the Village Office, a request to have the Utility Service terminated.
17. The Village shall cause to be mailed or delivered to each owner of property to which water and/or sewer service is supplied, a statement showing the charge for water and/or sewer service for the billing period according to the rates hereby imposed. Statements shall be sent out monthly and shall name the place where such charge is to be payable. The record in the Village Office of the mailing of such notice shall be sufficient evidence that the notice was sent to the last address of the person to be charged, and that failure to receive such notice does not relieve the person to be charged from the penalties hereby imposed.
18. Utility Service Charges levied or charged shall be deemed payable and owing to the Village as stated on the notice mailed or delivered to the owner, regardless
 - a. Of whether the notice was delivered or received by the property owner, or
 - b. Of whether duplicate notices have been mailed to renter/occupiers, or
 - c. Of whether the property owner has made arrangements for a renter/occupier to make said payments.
19. Utility Service Charges shall be deemed in arrears after twenty (20) days have passed from the date of the water meter reading.
 - a. All Utility Service Charges deemed to be in arrears shall be charged a monthly interest rate of 1.5% on the **total outstanding amount**.

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20. Utility Service Charges, which are in default, shall constitute a debt to the Village which may be recovered:
 - a. By transferring the Outstanding Balance to the Tax Roll of the property owner, or
 - b. By action in any Court of competent jurisdiction, or
 - c. By distress upon and seizure of the goods and chattels of the person owing such rates or charges wherever they may be found in the municipality.

21. Utility Service Charges, which are three (3) months in Arrears or have an outstanding balance of \$150.00 or more, may be transferred to Property Taxes at the discretion of the Village.

OFFENCES AND PENALTIES

22. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to termination of service and/or a penalty in the amount of:
 - a. a minimum of One Hundred Dollars (\$100.00) for a first Offence; and
 - b. a minimum of Five Hundred Dollars (\$500.00) for a second or subsequent Offence, if:
 - i. the Offence is a contravention of the same provision of the Bylaw which was contravened resulting in the first, or prior, Offence; and
 - ii. the Offence is committed within one (1) year of committing the first, or prior, Offence.

23. Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

24. Outstanding and/or uncollected fines shall be perceived as a debt to Village and may be subject to collection by transfer to Property Taxes as per Section 20.

BYLAW EFFECTIVE DATE:

25. This Bylaw shall come into effect upon final passing.

26. This Bylaw shall rescind Bylaw No. 905.

FIRST READING of Bylaw No. 1058 granted this 8th day of July, 2008.

SECOND READING of Bylaw No.1058 granted this 8th day of July, 2008.

THIRD AND FINAL READING of Bylaw No.1058 granted this 8th day of July 2008.

Bob Manning, Mayor

Karen Fegan, Administrator