

THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA

BYLAW 11-05

Being a Bylaw Respecting the Control and Management of the Water Utility System

WHEREAS the County of Vermilion River being a municipal corporation in the Province of Alberta, owns and operates a water system as a public utility for the purpose of supplying and distributing water to residents, industrial and commercial users, and for fire protection within the hamlets of Blackfoot, Clandonald, Islay, McLaughlin and Rivercourse

AND

WHEREAS pursuant to the Municipal Government Act R.S.A. 2000, Chapter M-26, and amendments thereto, including but not limited to Section 7(g) and Part 3 Division 3, the Council of the County of Vermilion River has the authority to enact a Bylaw affecting and controlling the public utility known as "Water Utility System";

NOW

THEREFORE the Council of the County of Vermilion River enacts as follows:

1) **TITLE:** This bylaw may be cited as the "Water Utility Bylaw".

2) **DEFINITIONS** in this bylaw:

- a) **C.A.O.** means the person appointed to the position and title of Chief Administrative Officer by the Municipal Council of the County of Vermilion River;
- b) **Combined Water** means a water service connection, which Service Connection supplies water for domestic use of a consumer and also for fire protection system in the same premises;
- c) **Consumer** means any person or persons, corporation, any other federal, provincial or municipal corporation whose property is connected to the water system or any lessee or occupant of such property or any person who obtains water from any County owned hydrant;
- d) **Council** means the Council of the County of Vermilion River
- e) **County** means the municipal corporation of the County of Vermilion River
- f) **Cross Connection** means any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents,

other materials or substance that will change the water quality in the water system and includes swivel or changeover devices, removable sections, jumper connections and by-pass arrangement;

- g) Hamlet designation for a community that is identified and has a boundary defined by the County of Vermilion River Land Use Bylaw
- h) Meter Spacer means a length of pipe, which can be removed from a water pipe for the purpose of installing a water meter;
- i) Multi Family means a single building comprised of Residential three or more dwelling units separated one from another by party walls but sharing a single entranceway;
- j) Occupant means the owner of any premises who resides or carries on any kind of business therein or any person or corporation residing therein or carrying on business therein as a Lessee of the owner or pursuant to a License of Occupation granted by the owner or the owner of any vacant premises connected to the Water System;
- k) Owner means the registered owner of real property as designated on the Certificate of Title for the property;
- l) Point of Delivery means the point of physical connection to a consumer's water system at property line of the street, lane or boundary of an easement granted to the County for its water system;
- m) Single Family means a single detached residential Residence building containing one dwelling unit only, but does not include any dwelling unit forming part of a multiple unit residential development or which forms part of a building in which any commercial activity or business is carried on;
- n) Town House means a single building comprised of three or more dwelling units separated one from another by party-walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade and includes all row, linked, patio, garden court or other housing which meet such criteria;
- o) Two Family means a single detached residential Residence building containing two separate and distinct dwelling units, one above the other or the one immediately adjacent to the other, but each having a separate entrance but does not include any dwelling unit forming part of a multiple unit residential development or which forms part of part of a building in which any commercial activity or business is carried on;

- p) Water Main means a water pipe in the street, public thoroughfare or easement area granted to the County, which forms part of the County water distribution network and delivers the water supply to the Water Service connections;
- q) Meter means any device approved by the County and is designed to measure the quantity of water used by the Consumer. A water meter may have attached to it a remote reading device as a component of the meter;
- r) Water Service Connection means that lateral water pipe which connects a Consumer's premises to the County water main with the consumer owning that portion of the pipe lying within the boundaries of the Consumer's premises, and with the County owning that portion of the pipe lying within the boundaries of any street, lane, easement area granted to the County for its' water system or County property;
- s) Water Service Valve means the water valve on the County owned portion of the water service connection, located between the County water main and the property line, installed for the purpose of enabling the County to turn on or off the water supply to a consumer's premises;
- t) Water Shut-off Valve means the water valve within a building on a consumer's premises, usually located near the water meter or point of entry of water service connection, which when closed, does not allow the flow of any water into the building or premises;
- u) Water System means the system of water reservoirs, water utility treatment plants, pumping stations, feeder mains, distribution mains, water service connections, valves, fittings, hydrants, meters, backflow prevention devices and all other equipment and machinery of whatever kind owned by the County and which is required to supply and distribute water to all consumers and which is deemed to be a Public Utility within the meaning of the Municipal Government Act;
- v) Waterworks means that division of the County's Utilities Department charged with the responsibility of establishing standards, guidelines, and specifications for the design, construction, operation and maintenance of the water system. For the purpose of administering or enforcing the provisions of this bylaw the C.A.O may delegate his powers to one or more employees of the Waterworks Department, including the Supervisor of Utilities, and the said employees shall be deemed to be authorized agents of the C.A.O. In that regard, employees of the Finance Department engaged in water, billing and collection functions, on behalf of the C.A.O. shall be deemed to be employees of the Waterworks Department.

3. GENERAL

- a) The County having constructed, operated and maintained a water system as a Public Utility shall continue, in so far as there is sufficient plant capacity and supply of water, upon such terms as Council considers advisable, to any resident or industry or other consumer within the municipality situated along any water main, upon being so requested in writing by the owner. The County undertakes to supply water to the owner's or consumer's water system at the property line of the street, lane or boundary of an easement granted to the County for its' water system.
- b) A consumer is responsible for providing such facilities as the consumer considers necessary in order to have a continuous and uninterrupted supply of water for the consumer's specific needs provided such facilities are approved by the Supervisor of Utilities and also provided that such facilities do not interfere with the operation of the water system.
- c) No person shall use a source of water supply other than the water system without consent of the County.
- d) No person who has been granted permission to use an alternate source of water supply shall allow that alternate source of water supply to be connected to the water system.

4. RATES / FEES

- a) Where water is supplied by the County to the owner of a property they shall pay to the County the established bi-monthly charge or the aggregate of:
 - i. The monthly basic charges, and
 - ii. The value of the volume of water shown by the meter as supplied for the applicable bi-monthly period at the rate.
- b) A separate Rate / Fee Bylaw authorizes and establishes the scale of fees and the enforcement for payment of all fixed rates, charges, tolls, fares or rents in respect to the operation and maintenance of the County owned public utilities.
- c) No reduction in rates will be made in the bi-monthly charge for water supplied to or made available for use by any consumer because of any interruption due to any cause whatsoever of water supply.

5. SELLING AND SUPPLY OF WATER

No person, unless authorized by the County shall:

- a) Sell, lend or give away water obtained from the water utility.

b) Supply water by pipe or hose, from the water utility or otherwise to any other premises, which could be supplied, with water through its own water service connection.

6. METER READING

- a) Each water meter shall be read at such times or intervals as the County may designate.
- b) If any water meter has, in the opinion of the County, failed to accurately register the flow of water through the meter since the last reading, the water charge shall be adjusted to the greater of the recorder amount or the minimum rate for water supplied to the premises.

7. CONNECTIONS / RELOCATIONS

- a) The standard water service connection line shall be five eighths (5/8) inch in diameter and installation shall meet present day standards.
- b) Owners or developers of un-serviced lots or parcels of land must apply in writing for approval to service their parcel and the County may authorize the work to be carried out by the County or it's agents, with costs covered by:
 - i. the owners or developers will pay the costs for installation of that portion of the water service connection that is on County property and which runs from the County water main to the property line of the street, lane, or boundary or an easement granted to the County for its' water system., as long as the main line runs past the property.
 - ii. the developer or landowner who provide payment in advance for the cost of the extension of the main line to service their parcel of land with costs for the project to be determined by the County.
- c) Any owner who desires to have an existing water service connection within any street, lane, easement or County property replaced with a connection of a different size or relocated to a different location, shall apply to the County in writing for approval and the County may authorize the work to be carried out by the County or its' agents, subject to payment in advance, of the cost of the project as determined by the County.
- d) Separate services for every individual residence in a duplex, triplex etc, shall be serviced by a maximum of one service pipe of a size sufficient, in the opinion of the Waterworks to deliver an adequate supply of water. Where pipes are required over five eighths (5/8) inch in diameter, the extra expense shall be charged to the owner or occupant. Where an application is made for additional service pipe/s or a larger service pipe, or change in the location of an existing pipe, or capping existing service pipe, a new service pipe will be installed only upon the cost thereof being paid in advance by the applicant.

8. MAINTENANCE

a) Responsibility

i) Water service connections on private property shall be installed, maintained, repaired and replaced by the owner at his expense and without limiting the generality of the foregoing, as a condition of receiving water from water utility. The owner shall maintain in a state of good repair, with sufficient protection from freezing, free of leakage or other water loss all to the satisfaction of the Water Utility Department, any water service connection, pipe line or water system on private property or at the boundary of private property and any street or easement containing a County water main and through which the supply of water is conveyed from water utility.

ii) Any owners shall protect the water meter and connecting valves and pipes from freezing, excessive heat, overheating of water, external and internal damage of any kind or any other thing which may affect the operation or reading of the water meter and shall pay the cost of repairing or replacing any water meter facilities supplied and installed by the County that may be damaged from the foregoing cause or any other causes within the owner's control.

iii) If a water service connection is frozen on private property, it shall be the consumer's responsibility to have it thawed at the consumer's expense

b) Corrective Actions / Costs

If the owner of the property neglects, fails or refuses to maintain, repair or replace a water service connection, pipe, or water system as required by the County, the County may:

i) Turn off the water supply until the repairs have been made to stop the water loss; and

ii) Estimate the volume of water loss and other costs incurred to locate, mitigate the detrimental effects to other households in the hamlet and require payment from the owner for the amount of water estimated to have been lost and such payment shall become due and payable upon demand being made.

iii) Where water has been shut off to a consumer's premises for water wastage, or leaks or defects in the consumer's portion of the water service connection or in other water pipes on private property or in the interior plumbing system within the consumer's premises, the County may refuse to turn the water on again until the consumer has delivered proof that the necessary repairs have been made and the charges paid.

9. INTERFERENCE WITH WATER SYSTEM

No person shall, in any way, damage, destroy, or cause any interference with the use of the water utility by another consumer and without limiting the generality of the foregoing, no person shall attach any device to any water pipe which may cause noise, a pressure surge, contamination, or cause or permit water contaminants to enter the water utility.

SEALS

- a) No person shall tamper with, break or remove any seal installed by the County on any valve or flagged outlet on water service connections or water metering facilities except in the case of an emergency.
- b) In the event a person breaks a seal on a valve in order to obtain a supply of water from emergency purposes, that person shall notify the County within Twenty-Four (24) hours.

VALVES

- a) No person, except someone authorized by the County, shall turn on or off a water service valve or any other valve or valves in the water utility.

10. SHUT OFF VALVES

All water service connections shall be provided with a water shut off valve placed immediately inside the outer wall of the premises and on the inlet side of the water meter to enable a consumer to shut off the supply of water in case of any emergency, or for protection of the building, pipes, or fixtures, or to prevent flooding of the premises or in the event the premises are permanently or temporarily vacated. The owner shall maintain the water shut-off valve in good mechanical condition and easily accessible at all times to ensure that it is operable in case of emergency.

11. WATER METERS SYSTEM

- a) All water meters, remote reading devices and attachments supplied by the County shall at all times be the property of the County.
- b) All buildings (commercial, industrial, residential, or other) utilizing County water must have a water meter placed on the premises and attached to the water supply line unless a specific exemption has been granted. The meter must be accessible to any Water Department employee.
- c) Upon completion of a new meter installation the contractor and/or the owner of the property shall apply to the County for an inspection of the installation before the water can be turned on.

d) Any owners refusing to have a water meter placed on their premises during the water meter installation process, will be charged a water rate of not less than three (3) times the present flat water rate, as established by the Rates / Fees Bylaw.

e) If a water meter or remote readout is removed or stolen, the owner of the premises shall pay the cost of replacing the water meter including installation. If not paid, the cost may be added to the taxes levied on the property and collected in the same manner as water rates.

f) The County may charge for and recover from the owner, the cost of supply, installation, altering, repairing, relocating or removing a water meter or remote read out. Any such charges may be collected in the same manner as water rates.

12. INSTALLATION OF WATER METERS / PIPING

a) The owner shall make provisions for installation of water meters in a horizontal position, in accordance with the County of Vermilion River No. 24 standard specifications for water mains and services. If an owner wishes to have installed, other metering piping or valve arrangements, prior to installation he shall apply to the County for approval in writing.

b) If an inspection indicates the installations as shown on the standard drawings or any modified drawings approved by the County, have not been carried out, the owner shall correct or modify the installation at their expense, in order to comply with the drawings approved. If the owner does not make the installation in the manner approved by the County, the County shall have the right to refuse to supply water to the premises.

c) Any required modified installation shall be at the owner's sole responsibility and expense. The County shall accept no responsibility for such installation and the approval by the County shall not be an acceptance of responsibility. The County may in sole judgment, require the owner to indemnify the County prior to installation of other metering, piping, or valve arrangement.

d) No person shall relocate, alter or change any existing water meter piping without the written approval of the County. The owner or his authorized agent may submit plans and specifications for any proposed relocation of water meter piping and, if approved by the County, the owner shall pay the entire cost, including any costs incurred by the County, in making such relocation, alteration or change.

e) If the County is dissatisfied with the location of any water meter due to alterations to a building, the County may require that the water meter be relocated to a more suitable or convenient location near the point of entry of the water service connection. All costs associated with relocating the water meter, including County costs shall be paid for by the owner.

f) Where the use of a water meter is mandatory under this bylaw, no person shall use a meter spacer in place thereof except for testing, as approved by the County, of a new plumbing system or a water meter.

13. ACCESS TO PREMISES

- a) For the purpose of conducting water use surveys, or sampling, leakage, flows and pressure tests, or reading water meters, backflow prevention devices and related equipment upon any water service connection within or without any house or building as may be required, employees of the County employed for that purpose, shall have free access at reasonable hours of the day and upon reasonable notice given and request made, or in case of written authority of the C.A.O. given in respect of a special case, without notice, to all parts of every building or other premises in which water is delivered and consumed.
- b) Where any owner, occupant or consumer discontinues the use of the water utility furnished by the County or the County refuses to continue to supply water, any Water Department Employee may at all reasonable times enter the premises in or upon which such owner, occupant or consumer was supplied with the water utility for the purposes of removal there from any fittings, machines, apparatus, meters, pipes, outside readouts or other things that are the property of the County in or upon such premises and may remove them there from.

14. METER MAINTENANCE AND TESTING

- a) Water meters may be removed by the County for maintenance and testing on a periodic basis. The County may require that a water meter be tested on site, or be removed and tested.
- b) A consumer may request the County to test a water meter located on the consumer's premises. If the water is found to be measuring within two (2) percent of accuracy, the consumer shall pay the fee established the Rates / Fees Bylaw.

15. DISCONTINUANCE OF WATER USE

- a) Any consumer about to vacate land or premises that has been supplied with water, or who wishes to discontinue the use of water supply, must give notice in writing to the County requesting that the County shut off the water supply.
- b) If notice pursuant to Subsection (a) is not given the owner will be liable for the accruing rates, and for all damages suffered or sustained by the County caused by failure to give notice.
- c) When a building that is connected to the County water utility is to be moved from its existing location or when the water service lines are to be permanently disconnected from any building for any cause, the owner of the land on which the building is situated shall pay to the County a disconnect fee as per the Rates / Fees Bylaw

16. NON DELIVERY OF WATER

- a) The County shall not be liable for any damages which may result to any person or premises from shutting off the water main or service, or from failure of the water supply, for any purpose or cause whatsoever, even where no notice is given and no deduction from water billing shall be made in consequence thereof.
- b) In the event of an emergency, the County may shut off the water, without prior notice.

17. LIABILITY FOR DAMAGES INCURRED

Except as provided for in the Municipal Government Act, R.S.A. 1994, Chapter M-26.1, and amendments thereto, or other relevant legislation, the County is not liable for loss or damages:

- a) caused by the break of any County water main, water service connection or other pipe or for the settlement of any excavation or trench made for the installation or repair of any part of the water utility, or
- b) caused by the disruption of any supply of water from the water utility when such disruption is necessary in connection with the repairs or proper maintenance of water system.
- c) suffered by any person or property by reason of low water pressure, or by interruption to, or failure of, the water utility to deliver water in adequate volume and pressure for supplying water for fire protection purposes.

18. FIRE HYDRANTS

- a) All fire hydrants, except fire hydrants situated on private property are the property of the County.
- b) The County may require that a fire hydrant be installed on private property at the expense of the owner of the property. The approval for and installation, use, control and maintenance of fire hydrants on privately owned property shall conform to the requirements as established by the County.
- c) No person or persons, except those designated by the County or members of the Fire Department, shall open, close or interfere with any hydrant or valve connected with the water utility.
- d) The County, or Fire Chief shall have the right to enter upon private property to inspect private fire systems and to require the owner to undertake whatever repairs or maintenance, or both that may be necessary to provide an operational system and should the owner refuse or neglect to undertake such repairs or maintenance as required by the County, the County may enter upon the premises, complete the work and recover all costs as a debt due to the

municipality. Collection shall be effected in the same manner as provided for under the water rates.

e) Subject to the provisions of the Alberta Fire Code, no person shall allow anything to be constructed, erected or planted adjacent to a fire hydrant, which may in any way obstruct or interfere with the access to, the use, maintenance or visibility of the hydrant.

f) Water dispensed through hydrants for purposes other than for fire protection or maintenance procedures must not be done without permission, and will be charged in accordance with the rates set out in the Rates / Fees Bylaw.

19. CROSS CONNECTIONS AND BACKFLOW PREVENTION

a) Any new principle building (commercial, industrial, residential or other) utilizing County water must have a vacuum breaker device on all hose bibs as required by Canadian Plumbing Code as amended.

b) No person shall turn on a water service valve to provide water to the occupants of any newly renovated or constructed or reconstructed premises until the plumbing system in such premises has been inspected for cross connection.

20. WILLFUL ACT PROHIBITIONS

a) No person or persons shall:

i) willfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the County or its' contractors, servants, agents, workmen or any of them in the exercise of any of the powers and duties related to water utility system and authorized by or contained in the Bylaw;

ii) throw or deposit any injurious, noxious or offensive matter or water contaminant into the water or water system, or in any way foul the water or commit any willful damage or injury to the water or water system or encourage the same to be done;

iii) willfully alter or tamper with in any way, any meter so as to lessen or alter the amount of water registered thereby, unless specifically authorized by the County for that particular purpose;

iv) attach or connect any pipe to any pipe or main of the water utility or in any other way obtain or use any water thereof in a manner contrary to this Bylaw without the written consent of the County;

v.) willfully and without authority hinder, disrupt or cut off the supply of water to any consumer of water utility.

THAT Bylaw 04-13 be rescinded upon final reading of this bylaw.

SHOULD any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining bylaw shall be maintained.

THIS Bylaw shall come into force and effect upon receiving third and final reading and having been signed by the Reeve and Chief Administrative Officer.

Read a first time this 22 day of February, 2011

Read a second time this 22 day of February, 2011

Read a third time and finally passed, this 22 day of February, 2011

SIGNED by the Reeve and Chief Administrative Officer this 22 day of February, 2011

SEVERED

Reeve

SEVERED

Chief Administrative Officer