

TOWN OF PENHOLD
BYLAW NO.733/16
UTILITY BYLAW

Being a Bylaw of The Town of Penhold to provide for the supply and use of the Water, Wastewater, Storm Water and Solid Waste utilities of The Town of Penhold.

WHEREAS: Council has authority under the Municipal Government Act, to pass bylaws respecting the safety, health and welfare of people.

AND FURTHER: Council of The Town of Penhold has deemed it appropriate to provide for the establishment and operation of certain public Utility Services, including provision for the terms and conditions under which such utilities will be provided.

COUNCIL HEREBY ENACTS AS FOLLOWS:

PART 1 – SHORT TITLE

SHORT TITLE AND ESTABLISHMENT OF UTILITIES

- (1) This bylaw may be called “Utility Bylaw”

- (2) The Town of Penhold hereby establishes the following municipal utilities: Water Wastewater, Storm Water and Waste Management (including Recycling).

PART 2 – GENERAL PROVISIONS

DEFINITIONS

- 1** Words and phrases in this Bylaw shall have the meanings set out in Schedule B.

DELEGATION

- 2** Town Council hereby delegates to the CAO all those powers stipulated by this Bylaw to be exercised by the Town and all necessary authority to carry out those powers, except those power which are reserved exclusively for Council under the Municipal Government Act, or reserved for other Persons pursuant to the provisions of this Bylaw. The CAO may delegate any powers, duties or functions granted under this Bylaw to another employee of the Town.

SUPPLY AND OWNERSHIP OF FACILITIES AND EQUIPMENT

- 3**
 - (1) All meters and metering equipment shall be supplied, owned and maintained by The Town unless otherwise provided in this Bylaw.

 - (2) Notwithstanding the payment by a Customer of any costs incurred by The Town, The Town shall retain full title to all lines, equipment and apparatus on its side of the point of delivery, and to all meters and metering equipment provided by it.

ASSIGNMENT OF CONTRACT

- 4** A contract for a Utility Service is not transferable and shall remain in full force and effect until terminated by the Customer or The Town as provided herein.

TOWN RESPONSIBILITY AND LIABILITY

- 5** (1) The Town does not guarantee the continuous uninterrupted supply of any Utility Service but reserves the right to suspend the supply of a Utility Service at any time without notice where required in the maintenance or operation of the Utility Service.
- (2) The Town and its officers, employees and agents shall not be liable for any damages of any kind due to or arising out of:
- (a) a failure to provide a Utility Service;
 - (b) the interruption of service due to maintenance or operational requirements, or due to reasons beyond The Town's control;
 - (c) the disconnection or removal of a Utility Service in accordance with this Bylaw
 - (d) Employees or agents shall not be liable for the change in water pressure nor for the shutting off of water nor by reason of the water containing sediments, deposits or other foreign matter.
 - (e) Consumers depending upon a continuous and uninterrupted supply or pressure of water or having processes or equipment that require particularly clear or pure water shall provide such facilities as they consider necessary to ensure a continuous and uninterrupted supply, pressure or quality of water required for this use.

APPLICATION FOR SERVICE

- 6** (1) A person requesting a Utility Service shall apply to The Town for a Utility Service account by completing an application form and providing such Information as The Town may require, including credit references, confirmation of the identity and legal authority of the applicant, and information respecting load and the manner in which the services will be utilized.
- (2) Any person who desires a new meter or service connection from the Town shall apply in writing in person to the Town on the form supplied by The Town for that purpose, and shall pay the amount specified in the rate schedule forming part hereof. (Such application shall be made not less than 48 hours prior to requiring the service except that it shall coincide with the normal business hours of the Town).

- (3) The Customer shall pay an application fee as set forth in Schedule A.
- (4) The Town may establish procedures for the creation of a contract for Utility Services by telephone, fax, internet or other electronic means, or may require the applicant to sign a contract for service.
- (5) The Utility Service account shall be set up:
 - (a) in the name of the Property Owner; or
 - (b) properties that have tenants/owners will be registered in both the owners and tenants name. Any unpaid tenant accounts are the responsibility of the land owner. All of the Persons named as Tenants in the landlord Tenant agreement or any other rental agreement shall be jointly and severally liable for the Utility account, regardless of which Tenant's name the account is opened in. At the discretion of The Town, a copy of the rental agreement may be required with the application for service; or
 - (c) Property owners may not request for water shut off to the tenancy unless for maintenance purposes.
 - (d) in the name of the general contractor in the case of a new building under construction, where the Utilities are requested by the general contractor/
 - (e) Notwithstanding subsection (2), The Town may waive the application fee in the case of a mortgage lender which acquires title to a Property as part of the process of foreclosure.
- (6) The establishment of a Utility Service account creates an agreement between the Customer and The Town, of which the provisions of the application form and the terms of this Bylaw shall form a part.

CONDITIONS OF SERVICE

- 7 (1) Upon receipt of all required information and fees, verification of the Customer's identity and the accuracy of the information, the Town will supply Utility Services to the Customer, the type and character of the connections it is prepared to approve for the Customer, and any conditions (including limitation, payments by the Customer) that must be condition of the supply of the Utility Services.
- (2) The Town is not obliged to supply Utility Services until the customer has provided the Town with access to the premises to which the Utilities are to be provided, to enable The Town to inspect the physical connections for such Utility and to obtain an initial meter reading for each metered Utility Service.

- (3) No new Utility account will be opened for anyone who is already indebted to The Town for Utility Services unless satisfactory arrangements for payment of the outstanding amount have been made.

SERVICE CHARGE

- 8 When a Customer requests that The Town attend at the Property to which the Utility Service is being supplied with respect to any matter relating to the supply of Utility Services or the servicing of the same, and if for any reason whatsoever The Town is unable to enter the said premises or if the call is for failure of service not attributable to The Town, the Customer shall pay a service charge fee as set forth in Schedule B.

AFTER HOURS

- 9 The Customer shall pay the applicable after hour's fee as set forth in Schedule A for service calls after 4:30 p.m. or before 8:00 a.m. Monday through Friday, or on a Saturday Sunday, or statutory or civic holiday. The after-hours fee shall also apply if a meter is required to be installed or connected, or should a Utility Service be required to be disconnected or reconnected during such times.

REQUESTED WATER TURN OFF AND/OR ON

- 10 If a consumer requires the supply of water to be shut off for his own purposes, they shall pay therefore the amount specified in the said Rate Schedule. Fixed monthly rates will apply.

UTILITY CHARGES AND PAYMENT OF UTILITY ACCOUNTS

- 11 (1) The rates and charges for Utility Services shall be those set out in the Schedules to this Bylaw or as otherwise established by resolution of Council from time to time.
- (2) All rates and charges shall be paid to The Town within the time prescribed by this Bylaw.
- (3) The whole amount owing in a Utility account is due and payable on the due date stated on the Utility bill and the account will be deemed to be in arrears if payment is not made on or before the due date. A Customer is responsible to pay the amounts owing in a Utility bill whether or not the Customer has received it.
- (4) Any charge on a Customer's account remaining unpaid after the due date will being arrears and constitute a debt owing the Town recoverable by any or all of the following methods:
 - (a) The Town may discontinue the supply of all or any Utility Services;
 - (b) The Town may terminate the Customer's account;
 - (c) The Town may add the outstanding account balance to the tax roll of an Owner of a Property;

- (d) by action in any Court of competent jurisdiction; or
- (e) by distress and the sale of the goods and chattels of the Customer wherever they may be found in The Town.

BILLING ERRORS

- 12** Where a customer has been charged less or more than they should have been charged for Utility services provided, The Town will review the account and make corrections for the billing errors for up to a maximum of 12 months prior to the date the error is discovered. Corrections will not be made for billing errors in respect of Utility Services provided more than one year prior to the date the error is discovered.

LATE PAYMENT PENALTY

- 13** When the Customer pays the Utility account after the due date stated in the account (or after such other due date as may be approved by The Town, whether the payment is made at a financial Institution or directly to The Town the Customer shall pay a penalty on the overdue balance as set forth in Schedule A.

NOVELTY PAYMENT METHODS

- 14** The Town may refuse to accept a payment by way of a cheque drawn on a form other than a bank cheque form (a Novelty Cheque), but where The Town does so, the Customer shall be liable for and pay to the Town all charges and costs incurred to process the Novelty Cheque. The Town will follow the Bank of Canada rules and regulations of currency acceptance limitations in respect of payment of cash.

INTERIM UTILITY BILL

- 15** (1) Where The Town has not measured the amount of a metered Utility Services, it may issue an interim Utility bill based on estimated consumption and shall credit Utility accounts for all payments made by a Customer against such Interim bill.
- (2) Where any service rate or charge is designated by reference to a time certain the charge for a lesser period of time shall be calculated on a proportionate basis.

ENFORCEMENT

- 16** (1) The Town is authorized to collect all accounts owing to The Town under this Bylaw, and may take any of the measures a municipality is authorized to take under the *Municipal Government Act, RSA 2000, Chap M-26*.

APPEALS

- 17** (1) A Customer who uses, receives, or pays for Utility Services may appeal a service charge rate or toll charged under the Bylaw on the grounds that such a service charge, rate or toll does not conform to the public Utility rate structure, has been improperly imposed, or is discriminatory, to the Alberta Utilities Commission.

REASONABLE NOTICE

18 The Town shall provide written notice to a Customer of any breach of the Bylaw which may result in The City discontinuing Utility Services. Such notice shall be delivered at least 10 days prior to discontinuance of Utility Services and shall be sent to the Customer as follows:

- (a) in the case of a Customer who is known to be a Tenant at the premises, the notice shall be sent to the address of the premises and the property owner; and
- (b) in the case of a Customer who own the Property, the notice shall be sent to the address of the premises and the address provided in the application for service, if different.

TERMINATION OF ACCOUNT BY CUSTOMER

- 19** (1) A Customer is responsible for all charges accruing to the Customer's account until such time as the account is closed.
- (2) When a Customer gives notice to The Town that the Customer's account is to be closed. The Town shall obtain a final reading of any meter as soon as reasonably practical and the Customer shall be liable for and pay for all service supplied prior to such reading. The Town may base the final charge for service on an estimated meter reading which will be prorated from the time of an actual meter reading.

TERMINATION BY THE TOWN UPON NOTICE

20 The Town may discontinue the supply of any Utility Service for any of the following reasons, after notice has been given pursuant to Section 24:

- (a) non-payment of any Utility accounts;
- (b) inability of The Town to obtain access to premises to read, service or inspect any meter;
- (c) failure or refusal of a Customer to comply with any provision of the Bylaw;
- (d) failure or refusal of a Customer to comply with the provisions of any statute or regulation, including the Alberta Building Code; or
- (e) in any other case provided for in this Bylaw.

TERMINATION WITHOUT NOTICE

- 21** (1) The Town may discontinue the supply of a Utility Service without prior notice in the event of any threatened or actual danger to life or Property, or in any other similar circumstances that The Town determines, in its sole discretion, acting reasonably, require such action.

- (2) The Town may discontinue the supply of the Water Utility Service without prior notice for any of the reasons listed above or for any of the following reasons:
 - (a) If the Customer has caused , permitted or allowed any piping, fixture, fitting, container or other appliance to be or remain connected to the water supply system which allows or has the potential to allow water Deleterious liquid other substance to enter the Water Utility; or
 - (b) failure by a customer to repair or replace a Backflow Preventer within ninety-six (96) hours of being so directed by The Town;
 - (c) in the event of an emergency or water shortage as The Town deems necessary; or
 - (d) in any other case provided for in this Bylaw

REQUIREMENT FOR ACCOUNT

22 When the premises to which Utility Services is provided become vacant and no new application for service has been made The Town may terminate the contract and:

- (a) disconnect the Utility service; or
- (b) in lieu of disconnecting the service, open a new utility account in the name of the owner and charge the fee set forth in Schedule A to open the account as well as other ongoing charges under Schedule A.

AUTHORIZATION TO ENTER PREMISES

- 23** (1) In accordance with the Municipal Government Act, The Town may, after giving reasonable notice to the Property Owner or occupier of the Property, enter any Property upon which a meter or shut-off valve is situated for the purpose of providing, maintaining or terminating the supply of a Utility Service to that Property.
- (2) The Customer and the Property Owner are responsible to provide the Town reasonable access to the meter, shut-off valve and other Town infrastructure for the purpose of providing, maintaining or terminating the supply of a Utility Service.
 - (3) The Town may remove obstructions that are interfering with the performance of providing, maintaining or terminating the supply of a Utility Service and may charge the Customer or the Property owner the costs associated with such removal. The Town will use reasonable care to avoid damaging the obstruction during removal.

- (4) If the Town cannot access the meter or shut off valve for any reason, The Town may charge a no access fee to the Customer or Property Owner as set forth in Schedule A.

SERVICE REMOVAL AND BUILDING DEMOLITION

- 24 (1) No Person shall cause, permit or allow a building to be demolished or removed until Utility Services to the Property are removed and any fee for such removal has been paid. Notwithstanding the foregoing, The Town may, in circumstances which The Town consider appropriate, permit the service to remain connected to the Utility Service line or main.
- (2) Utility charges will continue in accordance with the rates identified in the Bylaw until all occupiable buildings located on the property have been demolished.

CONNECTION TO UTILITY SERVICE

- 25 (1) Within one year after a Utility Service becomes available, the owner of every building situated on and abutting on any street in which there is a Water Main or a Wastewater Sewer, shall at the owner's expense connect such building to the water system and install sanitation Facilities, where available, and connect the building to the Wastewater Sewer systems in accordance with the requirements and standards set out in the Alberta Building Code and elsewhere in this Bylaw.
- (2) The Property Owner shall provide The Town with a completed application in the form approved by The Town for a permit to make such connection. The application shall include any plans, or specifications as may be required by The Town's Engineering Representative, or other information required by The Town.
- (3) Notwithstanding subsection (1), The Town shall have the discretion to extend the period of time within which the connection to the Water Main, or Wastewater sewer must be made for such period of time as The Town considers is reasonable and subject to review every 5 years or less, provided that such extension of time is consistent with Town policies and Council direction, and also provided that the failure to connect:
 - (a) will not jeopardize the health or safety of the Occupants of the building or of other Town residents;
 - (b) will not adversely affect the integrity or operation of those utilities; and
 - (c) will not present an undue risk of damage to Property or the environment.

- (4) At such time as the Property Owner connects to a Utility Service, the Property Owner shall also open a Utility account and make payment of all application fees and deposits that may be required under this Bylaw.
- (5) No Person may connect to a Utility service until such time as payment has been made to The Town by the Property Owner or prior owner in respect of the cost of construction of the Utility Service (including carrying charges) to serve the land owned or occupied by that Person or until such Person has made other arrangements satisfactory to The Town to pay the Person's proportionate share of those costs.
- (6) No Person shall uncover, make any connections with or opening into, use alter, or disturb any Water Mains, Town Service Connections, Wastewater Sewer, Storm Water Sewer or appurtenances thereof unless authorized by the Town.
- (7) All Private Service Connections, Wastewater Sewers, and Storm Water infrastructure and Facilities on private Property shall be constructed and maintained by the owner's forces at his expense in accordance with the requirements of this Bylaw and the Alberta Building Code.

ABANDONED BUILDING SEWER CONNECTIONS

- 26** When any Wastewater or Storm Water Private Sewer Connection is abandoned, the Property Owner shall effectively block up the connection at a suitable location within their Property to prevent Wastewater or Storm Water from backing up into the soil or from dirt being washed into The Towns Sewer Connection.

SAMPLING AND MONITORING

- 27** (1) Where sampling is required for the purposes of determining the concentration of constituents in the sample may:
- (a) be collected manually or by using an automatic sampling device; and
 - (b) contain additives for its preservation.
- (2) Any single Grab Sample may be used to determine compliance with any provision of the Bylaw.
- (3) All tests, measurements, analysis and examinations of Wastewater or Storm Water its characteristics or contents pursuant to this Bylaw shall be carried out in accordance with Standard Methods and be performed by a laboratory accredited for analysis of the particular substance(s) using a method which is within the laboratory's scope of accreditation or to the satisfaction of Inspector as agreed in writing prior to sample analysis.

SPILLS

- 28** (1) In the event of a Spill on the ground or to a Wastewater and/or Storm Water Sewers, the Person responsible for the Spill or the Person in charge, management and control of the Spill shall immediately notify and provide any requested information with regard to the Spill to:
- (a) 911 emergency if there is any immediate danger to human health and/or safety; or
 - (b) If there is no immediate danger:
 - (i) Alberta Environment

POWER AND AUTHORITY OF INSPECTORS

- 29** (1) An inspector or other designated officer of The Town may in accordance with this Bylaw and the Municipal Government Act:
- (a) enter upon all properties for the purpose of inspection, observation, measurement sampling and testing in accordance with the provisions of the is Bylaw.
 - (b) take samples of Wastewater, Storm Water clear-water Waste and Subsurface Water being released from the premises or flowing within a private drainage system;
 - (c) perform on-site testing of the Wastewater, Storm Water, clear-water Waste and Subsurface Water within or being released from private drainage systems, Pre-treatment Facilities and Storm Water management Facilities;
 - (d) make inspections of the types and quantities of chemicals being handled or used on the premises in relation to possible release to a drainage system or watercourse;
 - (e) require information from any Person, inspect and copy documents or remove documents from premises to make copies, concerning any potential violation of the Bylaw;
 - (f) inspect chemical storage areas and Spill containment Facilities and request Safety Data Sheets (SDS) for materials stored or used on site;
 - (g) inspect the premises where a release of prohibited or restricted Wastes or of water containing prohibited or restricted Wastes has been made or is suspected of having been made, and to sample any of all matter that in their opinion could have been part of the release.

- (2) Where an inspection discloses any failure, omission, or neglect respecting any Utility Service upon the Customer's premises, or discloses any defect in the location, construction, design or maintenance of any facility or any connection there from to the Utility Service, the Person making such inspection shall, in writing, notify the Customer, Property Owner, proprietor or occupier to rectify the cause of the complaint within a reasonable time as determined by The Town. Such notified Person shall within the time limit rectify such cause of complaint stated in the notice.
- (3) No Person shall hinder or prevent the Inspector or designated officer of The Town from carrying out any of their powers or duties.
- (4) The Town may serve any Person who is in violation of any provision of this Bylaw with written notice stating the nature of the violation and requiring the satisfactory correction thereof within 48 hours, or within such additional time as required by this Bylaw or as determined by The Town. Such Person shall, within the time stated in such notice, permanently cease all violations.

PART 3 – WATER UTILITY

WATER SERVICE BILLING RATES

- 30** (1) a Water Utility Customer shall pay the amounts specified in this Bylaw and in Schedule B for all water supplied and Water Utility Services provided.
- (2) The Town shall determine which rate in Schedule A shall apply to any particular Customer.
- (3) where a Remote Reading Device is installed in addition to the water meter, the water meter shall be used to determine the official reading.

CONNECTION TO TOWN WATER SUPPLY

- 31** (1) The Town does not guarantee the pressure nor the continuous supply of water and The Town reserves the right at any and all times without notice to change operating water pressures and to shut off water. The Town and its officers, employees and agents shall not be liable for any damages of any kind due to changes in water pressure, the shutting off of water, or by reason of the water containing sediments, deposits or other foreign matter.
- (2) Customers depending upon a continuous and uninterrupted supply or pressure of water or having processes or equipment that require particularly clear or pure water shall provide such Facilities as they consider necessary to ensure a constant and uninterrupted supply or pressure or quality of water required for their use.

INSPECTION OF PREMISES

- 32** (1) The Town may inspect the premises of a Customer who applies to The Town for the supply of water in order to determine if it is advisable to supply water to such Customer.
- (2) The Town may, with the permission of the Customer, inspect the premises of the Customer in order to do any tests on water piping or fixtures belonging to such Customer so as to determine if this Bylaw is being complied with and in the event that such Customer fails or refuses to give such permission, the supply of water to that Customer may be shut off.

WATER USE RESTRICTIONS

- 33** (1) The Town may, at such times and for such lengths of time as The Town considers necessary or advisable, regulate restrict or prohibit the use of water for use other than human consumption. The Town may cause the water supply to any Customer who causes permits or allows irrigation, wastage, exterior washing, or other non-human consumption in contravention of any such regulation, restriction or prohibition to be shut off until such Customer complies with all of the provisions of this Bylaw.
- (2) Outdoor sprinkling restrictions shall be in effect at all times. Odd/Even street addresses shall determine days sprinkling shall be allowed. The numerical address of which (excluding street name) ends in odd number may water on each odd day of the month, and the numerical address of which (excluding street name) ending in an even number may water each even day of the month. Outdoor sprinkling includes vehicle washing lawn watering or other irrigation purposes on any day of the month.
- (3) No Customer shall operate, use, interfere with, obstruct or impede access to the Water Utility Service or any portion thereof in any manner not expressly permitted by this Bylaw, in default of which The Town may cause the water being supplied to such Customer to be shut off until such Customer complies with all of the provisions of this Bylaw.

WASTAGE

- 34** (1) No Customer shall cause permit or allow the discharge of water so that it runs Waste or useless, whether by reason of leakage form Private Service Connection, a faulty plumbing system or otherwise,
- (2) Notwithstanding the foregoing, The Town ay under such condition as The Town may consider reasonable allow water discharge for the purposes of:
- (a) The installation and maintenance of infrastructure, including the flushing of Water Mains, hydrant leads and Town Service Connections to prevent stagnation and/or to remove Deleterious materials;

- (b) Preventing the freezing of Water Mains, hydrants leads, irrigation systems and services connections;
- (c) Conducting water flow tests;
- (d) Firefighting and associated training programs; or
- (e) Other purposes as deemed necessary by The Town.

UNAUTHORIZED USE OF WATER

35 (1) No Customer shall:

- (a) Sell water supplied hereunder;
 - (b) Use or apply any water to the use or benefit of others or to another than the Customers own use and benefit;
 - (c) Increase the usage of water beyond that agreed upon with The Town; or
 - (d) Extract or remove any water from any hydrant within the Town; without first obtaining written permission from The Town and subject to such reasonable conditions as The Town may impose with respect to the quantity, price and times of withdrawal of the water so used.
- (2) In exercising the authority conferred by subsection A of this section, the Town:
- (a) Shall cause to be published in a newsletter circulated in the Town, or signboards with a public notice giving reasonable detail of the regulation or prohibition of sprinkling being imposed which may be limited as to time or times specified or which may be unlimited as to time in which latter case, a similar public notice shall be given of the cessation of such regulation, restriction or prohibition.
- (3) If the Town finds an unauthorized use of water including use resulting from any tampering with a meter or other Facilities, the Town may make such changes in its meters or other Facilities, or take such other corrective action, as may be appropriate to ensure unauthorized use. The Customer shall pay all costs of such action necessary to remedy any violation of the law caused by the Customer.
- (4) Upon finding an unauthorized use of water, the Town may disconnect the service connection immediately, without notice, and shall charge the Customer all costs incurred in correcting the condition in addition to any other rights and remedies which may be available to the Town.

INVESTIGATION INTO WATER SUPPLY SERVICE FAILURE

- 36** (1) Any Customer that notifies the Town of a failure or interruption of water supply, the investigation of which necessitates the excavating of a street shall, prior to excavating, sign a work order, agreeing to pay such costs, at the discretion of the Town.
- (2) If such failure or interruption was caused by The Town Service Connection the Customer shall not be liable for such costs.
- (3) If such failure or interruption was caused by the Private Service, the actual cost of such work shall be paid by the Customer.

PRESSURE SURGES

- 37** No Customer shall cause, permit or allow any apparatus fitting or fixture to be or remain connected to the Customer's water supply or to be operated which causes pressure surges or other disturbances which may in the opinion of The Town, result in damage to other Customers or to the Water Utility Service.

CONTAMINATION

- 38** No Customer shall cause, permit or allow to be or remain connected to the Customer's water supply system any piping, fixture, fitting, container or other appliance which may cause water from a source other than the Water Utility Service or any liquid or substance to enter the Water Utility Service. The Town may cause the water supply to any Customer contravening the provisions of this section to be shut off provided that The Town shall, if The Town considers it practicable so to do, give notice to such Customer prior to such water supply being shut off. The water supply to such Customer shall not be restored until such Customer has paid to The Town all costs associated with the shutting off of the water supply, the cleanup of contamination and the remedying of the Customer's default under this section.

MEASUREMENT BY METER

- 39** (1) All water supplied by The Town to a Customer shall be measured by a meter unless otherwise provided for in this Bylaw.
- (2) All water supplied by the Town through a private service shall be measured by a meter unless otherwise provided under this Bylaw (or unless a special agreement is entered into between the Town and consumer. Except as herein provided, all meters shall be supplied, owned and maintained by the Town unless a special agreement is entered into between the Town and a consumer).

METER INSTALLATION AND MAINTENANCE

- 40** (1) Customers who require the installation of more than one meter shall pay a fee as set forth in Schedule A for each additional meter.
- (2) The Town may change a Customer's meter with notice given

INSTALLATION RESPONSIBILITY

- 41.** (1) Water meters supplied by The Town which are 50 millimeters in size or smaller shall be installed by The Town with no direct charge to the Customer.
- (2) Water meters supplied by The Town which are larger than 50 millimeters in size shall be installed at the expense of the Customer.
- (3) The Customer shall provide for the installation of a water meter to the satisfaction of The Town and when required shall install a properly valved bypass.
- (4) Meters and shut off valves must be installed in an area readily accessible for meter reading inspection repair and removal, and their location shall be subject to the approval of the Town. All meters shall be located on the consumer's side of the approved shut off valve.
- (5) The Customer shall ensure that employees or agents of The Town have clear access to meter areas and water meters for meter testing and reading purposes.
- (6) Unless the Town otherwise approves, The Town shall not be obligated to supply more than one water meter for any one building. If additional water meters are approved, a separate curb stop will be required for each additional water meter.
- (7) A separate water meter shall be installed for each of the dwelling units contained within a multi-residential building and a separate curb stop will be required for each water meter.
- (8) Any Customer whose water is not metered, or whose meter is not positioned to the satisfaction of The Town, shall make proper provision for a meter to be installed or the meter to be moved as the case may be, all costs of which shall be paid by the Customer.

METER CHAMBER

- 42** When in the opinion of The Town, the premises to be supplied with water are too far from the Town Service Connection to conveniently install a meter in the premises, or the Customer shall, at the Customer's sole cost, construct and maintain a container for a meter and such container shall in all respects including location, construction size, access and otherwise howsoever be satisfactory to The Town.

METER SIZE

- 43** The size of the meters shall be determined as follows:
- (a) If the internal diameter of the Private Service is 25 millimeters or less, a 16 millimeter meter shall be used; or

- (b) If the internal diameter of the Private Service exceeds 25 millimeters, the size of the meter shall be one size smaller than the size of the Private Service; or

BYPASSES

- 44** Any Customer having a water meter 50 millimeters in size or larger shall at the Customer's own expense construct and maintain a properly valved bypass satisfactory to The Town which bypass shall be sealed by The Town and shall be opened by the Customer only in case of emergency. The Customer shall notify The Town within 24 hours after the seal on the bypass is broken, failing which The Town may cause the seal on the bypass to be broken, failing which The Town may cause the water supply to such Customer to be shut off until satisfactory arrangements have been made for the calculation of and payment for water supplied and not recorded on the meter.

METER VALVING

- 45** Any Customer having a meter smaller than 50 millimeters in size shall, at the Customer's sole cost and expense, supply and maintain valves on both sides of and within 300 millimeters of the meter.

PROTECTION OF METER

- 46** (1) The Customer shall provide adequate protection for the meter supplied by The Town and any associated valves or pipes against freezing, heat or any other internal or external damage of any kind which may affect the operation of the water meter or meters, failing which the Customer shall pay to The Town all costs associated with the repair of such meter or associated valves & pipes which amount shall be recoverable in the same manner as all other costs and charges provided for under the Bylaw.
- (2) No Person other than an authorized Town employee shall install, test, repair, remove, disconnect, reconnect a meter unless specifically authorized to do so in writing by The Town.
- (3) No person shall break, tamper or interfere with any meter or facility.
- (4) The Customer shall notify The Town immediately whenever a water meter is not operating or if any part of a meter becomes damaged or broken.
- (5) The Customer is responsible for the safe keeping of any water meter and any Remote Reading Device that is installed on the Customer's premises.
- (6) The Customer shall pay the cost of repairing or replacing any water meter or metering accessories supplied and installed by The Town that may be damaged from any causes or any other cause within the control of the Customer.

- (7) No Person other than an authorized Town employee shall remove, disconnect, reconnect or otherwise tamper with a meter.
- (8) Any user shall be responsible for damage of the meter and remote reading device, which may result from other than normal wear and tear.
- (9) Ownership of the meter and remote reading device and any apparatus thereto remain with the Town.
- (10) The Town does not assume any responsibility for any damages to the premises due to the installation of such wiring. The Town will install the remote reading device on the inside of the premises. All other conditions of the remote reading device shall apply.

NON-REGISTERING METER

- 47** (1) If, upon the reading of a meter, it is determined that the meter has failed to accurately record the consumption of the Utility Service supplied then the consumption will be estimated upon such basis that The Town considers to be fair and equitable.
- (2) Where it has been determined by The Town that the meter is not accurately recording the consumption of a Utility Service, The Town may enter the premises to replace the meter.

TESTING OR CALIBRATION OF DISPUTED METERS

- 48** (1) In the event either the Town or the Consumer disputes a meter reading, a written notice shall be given to the other.
- (2) Following receipt of written notice; the water meter situated on the Customer's premises shall be tested or calibrated by a qualified third party. If the meter is found to be accurate within 98.5% to 101.5% of the water passing through it, the expense of such test or calibration shall be borne by the Customer in the amount designated in Schedule A.
- (3) If the meter is found not accurate within the above limits it shall forthwith be repaired or be replaced by one that is accurate and the expense thereof shall be borne by The Town.
- (4) If a meter is found not to be accurate within the aforesaid limits then any meter handling and testing fees shall be borne by The Town.
- (5) Where an examination of past meter readings or other information does not disclose the time at which the meter error commenced, then the meter error shall be deemed to have commenced twelve months prior to the date the meter was tested or from the date upon which the meter was installed, whichever is less.

METER READING

- 49** (1) A Customer shall permit The Town to perform meter reading using automated monitoring equipment. Additional fees may apply for on-site meter reading and manual account adjustment, as set out in Schedule A if a Customer does not allow automated metering infrastructure to be installed within their premises.
- (2) The Town shall endeavor to read the meters once every month, or at such other intervals as are reasonable and practicable under the circumstances. If The Town cannot gain access safely to read the meter as aforesaid, the consumption of the Utility Service shall be estimated upon such basis as The Town considers to be fair and equitable and the account rendered in accordance with such estimate. Each meter shall be read at least once per year and if such reading cannot be obtained, The Town may discontinue any or all Utility Services supplied to the premises, until such time as The Town is able to obtain an actual meter reading.
- (3) The Town may shut off the water supply to a Customer who refuses to provide a water meter reading or access to perform a water meter reading after notice has been given.
- (4) The Customer shall ensure that access to the meter is safe, well lit, and free of hazards to the Person reading the meter.
- (5) The Town may require a water meter to be either tested on site or removed for testing by a Person authorized by The Town at any time. The Town may discontinue any or all Utility Services supplied to the premises until such time as a Person authorized by The Town is able to obtain access to test the meter or remove it for testing.

ADDITIONAL METER READS

- 50** When a Customer requests a meter reading at a time other than the regular scheduled time for meter reading, the Customer may be assessed a fee as set forth in Schedule A for such reading. Provided, however, if upon such reading, it is determined that the previous billed meter reading is incorrect, no fee shall be required.

PRIVATE SERVICES

- 51** All Persons doing any work or service upon a Private Service or the plumbing system attached to it shall comply with the provisions of the Alberta Building Code and any applicable bylaws. A Private Service shall be buried to a depth of at least 2.5 meters to prevent freezing.

USE OF GROUNDWATER WELLS

- 52** Once a parcel of land is connected to Town Water Service, any ground water wells within such Property must be abandoned unless otherwise approved in writing by The Town. Such approval would be subject to cross-connection control, flow measurement and periodic inspection, as stipulated by The Town.

FIRE PROTECTION SERVICE

- 53** (1) a Fire Line shall be used only for fire protection purposes and a water line which provides combined domestic service and Fire Line service shall not be installed without the prior approval of the Fire Chief.
- (2) The Town shall determine whether or not a meter shall be affixed to a Fire Line. If required, the meter shall be supplied and installed in a manner satisfactory to The Town at the Customer's expense.

FIRE HYDRANTS/WATER VALVES

- 54** (1) Unless authorized by The Town, no person shall:
- (a) Open or close any fire hydrant or valve; or anything associated with the water supply system.
 - (b) Connect any device of any kind to a fire hydrant, including a pipe, hose, fixture, or appliance; or
 - (c) Use water from a fire hydrant, regardless of whether that hydrant is located on private or public Property, for any purpose other than fire protection.
- (2) No Property Owner or Occupant of a parcel or premises shall allow the access to a fire hydrant located on or adjacent to that parcel or premises to be obstructed in any manner, whether by the building or erection of any structure or the accumulation of any building material, rubbish or other obstruction.
- (3) No Property Owner or Occupant of a parcel or premises shall allow anything on the parcel or premises to interfere with the operation of a fire hydrant located on or adjacent to that parcel or premises.
- (4) All Persons who own Property on which a fire hydrant is located or own Property which is adjacent to Town owned Property on which a fire hydrant is located shall:
- (a) Maintain a one (1) meter clearance on each side of a fire hydrant;
 - (b) Not permit anything to be constructed, erected, or placed within the clearance area;
 - (c) Not permit anything except grass to be planted within the clearance area; and
 - (d) Maintain visibility of hydrants from the nearest access road.

- (e) The contractor and/or owner shall ensure that the curb stop, c.c. or water valve at the finished grade prior to water service being connected
- (f) C.C's to remain accessible for operation and/or repair at all times.
- (g) Driveways, sidewalks, fences and trees if impeding maintenance, The Town is not responsible for repair or costs associated with repair of aforementioned items.

PERMIT TO USE WATER FROM A FIRE HYDRANT

- 55** (1) The Town may authorize the use of a fire hydrant and the use of water from a fire hydrant on a temporary basis where no other supply of water can reasonably be obtained.
- (2) The Town will, as a condition for the use of a fire hydrant and the use of water from a fire hydrant, require that the water pass through a water meter and backflow prevention device prior to use.

TEMPORARY WATER SERVICE

- 56** Any Persons requiring a temporary water supply during the course of construction shall apply to The Town and shall pay the sums required in Schedule A; which may include installation and removal of service water meter and Backflow Preventer and water consumption charges.

THAWING SERVICES

- 57** (1) the cost of thawing a frozen service shall be borne as follows:
- (a) By the Customer if the Private Service or the plumbing system connected thereto is frozen, as determined by The Town.
 - (b) By the Customer if the Town Service Connection is frozen as a result of the negligence of the Customer, as determined by The Town;
 - (c) By The Town if the Town Service Connection is frozen for any other reason, as determined by The Town.
- (2) If the Town is of the opinion that a Private Service or plumbing system has frozen without any negligence on the part of the Customer or any other Person for whose negligence the Customer is responsible, The Town may waive the cost of one thawing during any one winter season which shall be deemed to run from November 1st to May 15.
- (3) The Town shall not thaw a Private Service or plumbing system unless the Customer shall first have signed an acknowledgement recognizing that thawing may be inherently dangerous to Property including Private Service or plumbing system and may cause damage to electrical systems or the outbreak of fire and waiving any claim against The Town for any such damage whatsoever except damage caused by the negligence of The Town.

SERVICE SIZE

- 58** The size of the service required for residential purposes shall be determined in accordance with the Alberta Building Code, provided that the Town shall not install a service having a size smaller than 18.75mm.

BOILERS

- 59** In any case where a steam boiler or equipment of a nature similar to that of a steam boiler is supplied directly from a service, such boiler or other equipment shall be equipped with at least one safety valve, vacuum valve or other device sufficient to prevent the collapse or explosion thereof in the event the water supply thereto is shut off.

REQUESTED WATER SHUT-OFF

- 60** (1) No Person shall turn a water Service Valve on or off except as authorized by the Director.
- (2) No Property Owner of a parcel or premises shall allow a water Service Valve to be turned on or off except as authorized by The Town.
- (3) If a Customer requires the supply of water to be shut off for maintenance reasons, the Customer shall submit a request to The Town and pay The Town the amount specified in Schedule A.
- (4) A request for the water to be shut off because a renter is behind in Utility Service payment will not be granted.
- (5) The fixed monthly rates will apply during the time of shut off.

BACKFLOW PREVENTER

- 61** (1) Where in the opinion of The Town, the configuration of any water connection creates a high risk for contamination to the water system, the Customer, upon being given notice by The Town, shall install on their water service an approved Backflow Preventer at the Customer's sole cost.
- (2) No Customer or other Person shall connect, cause to be connected, or allow to remain connected to the water system any piping, fixture, fittings, container or appliance, in a manner which under any circumstances, may allow contaminated or Polluted Water, Wastewater, or any other liquid, chemical or substance to enter the domestic water system.
- (3) If a condition is found to exist which is contrary to subsection (2), The Town may issue such order or orders to the Customer as
- (4) where in the opinion of the Town, the configuration of any water connection creates a high risk of contamination to the water system, the Customer, upon being given notice by The Town, shall install an approved Backflow Preventer at all identified sources of potential contamination.

- (5) All Backflow Preventers shall be inspected and tested at the expense of the Customer, upon installation, and thereafter annually, or more often if required by The Town; by Personnel approved by The Town to carry out such tests, to demonstrate that the device is in good working condition. The Customer shall submit a report in a form approved by The Town for all tests performed on a Backflow Preventer within thirty (30) days of a test and a record card issued by The Town shall be displayed on or adjacent to the Backflow Preventer. The tester shall record thereon the name and address of the owner of the device; the location, type, manufacturer serial number and size of the device; and the test date, the tester's initials the tester's name (if self-employed) or the name of the testers employer and the tester's licence number.
- (6) When the results of a test referred to in subsection (5) show that a Backflow Preventer is not in good working condition, the Customer shall, when so directed by The Town, repair or replace the device within ninety-six (96) hours. If the Customer fails to comply with the direction given, The Town may shut off the water service or water services.
- (7) If a Customer fails to have a Backflow Preventer tested, The Town may notify the Customer that the Backflow Preventer must be tested within ninety-six (96) hours of the Customer receiving the notice.
 - (a) If a Customer fails to have a Backflow Preventer tested within the time provided in subsection (5), The Town may cause the water service or water services to be terminated until the Backflow Preventer has been tested and approved.
- (8) No Person shall turn on a water Service Valve to provide water to the Occupants of any newly renovated, constructed, or reconstructed premises until the plumbing system in such premise has been inspected.
- (9) No Persons other than those who have achieved journeyman or "Certificate of Competency" in an accredited program of Alberta may conduct the tests on Backflow Preventers.

PART 4 – WASTEWATER UTILITY

WASTEWATER UTILITY SERVICE LEVY AND BILLING RATES

- 62** (1) The Town hereby levies on all Persons owning or occupying Property connected with The Towns Wastewater Sewer system a fee for Wastewater contributed by the Customer, to be paid monthly as determined by The Town calculated using the rates set forth in Schedule A.
- (2) Volume to be based on water consumption.

WASTEWATER CONNECTION EXCEPTIONS

- 63** The Owner shall maintain the building sewer from the sanitary main sewer to the building connections, such sewer shall be maintained by the property owner at their own expense

PROHIBITED DISPOSAL OF WASTEWATER

- 64** (1) No Person shall place, deposit, dump or permit Wastewater, Dangerous Goods, or any other Waste, to be deposited in any manner upon public or private Property within The Town or in any area under the jurisdiction of The Town.
- (2) No Person shall discharge to any water course within The Town or to any area under the jurisdiction of The Town, any Wastewater, Industrial Waste, Dangerous Goods, or Polluted Waters, except where suitable pre-treatment is provided.
- (3) Except as permitted by this Bylaw or the Alberta Building Code, no Person shall construct or maintain in The Town any privy or pit toilet, septic tank, cesspool, or other facility intended for used for the collection or disposal of Wastewater.

CLEANOUTS

- 65** A Building Sewer that is connected to a Wastewater sewer shall be equipped with a main Cleanout with a minimum diameter of 100 mm located not more than 25 m from Property line. The main Cleanout shall be located as close as practical to the point where the Wastewater Sewer leaves the building and in such a manner that the opening is readily accessible and has sufficient clearance (2 meters) for effective rodding and cleaning. The building Wastewater Sewer from Clean out to Property line is to be as straight as possible. A maximum of one 45 degree bend is permitted for the Cleanout and a maximum of one additional 45 degree bend may be used between the Cleanout and Property line.

BACKFLOW VALVES

- 66** All Wastewater plumbing fixtures and floor drains set below the highest level of the ground surface adjacent to the premises shall be protected from backflow by an approved Wastewater Backflow Valve.

PLUGGED WASTEWATER SEWERS

- 67** (1) When a Sewer backup occurs, a Customer shall first contact a private plumbing firm to assess whether the backup is predominantly caused by a restriction or blockage with the Private portion of the Sewer Connection or with The Town portion of the Sewer Connection.
- (2) The Customer shall notify the Town if the plumber identifies that the blockage is in the Town's main line. The Town will investigate to confirm the location of the blockage.

TREES AND ROOTS

- 68** (1) Deep rooting trees shall not be planted within 6 meters of Wastewater sewer mains or services.
- (2) If it is determined that a root blockage is located within the Private portion of a Sewer Connection, then the Customer shall be responsible to clear the blockage at his or her own expense. The Town shall have no obligation to clear the blockage.
- (3) If it is determined that a root blockage is predominantly located within the Town main or within any other part of the wastewater sewer system, then The Town shall clear the blockage and perform rehabilitation or remove the tree(s) at the Town's expense.

CONNECTION TO WASTEWATER SEWER

- 69** No weeping tile, Sump pump or eaves trough downspout system shall be connected to any Wastewater Sewer unless approved in writing by The Town.

STORM WATER/GROUND WATER DISCHARGE TO WASTEWATER SEWER

- 70** No Person shall discharge, or cause to be discharged, Storm Water, surface water, ground water, roof run-off, subsurface drainage, or Cooling Water to any Wastewater Sewer, unless:
- (a) Upon the application of the Customer, The Town determines that exceptional conditions prevent compliance with the foregoing provisions and authorizes such discharge;

PROHIBITED SUBSTANCES IN WASTEWATER

- 71** No Person shall discharge or permit to be discharged into any Wastewater Sewer:
- (a) Any solid or viscous substance capable of causing obstruction, or other interference with the operation of the Wastewater system, including Dangerous Goods, Hazardous Waste, Biological Waste, Combustible Waste, Biomedical Waste, Reactive Waste, elemental mercury, prescription or illegal drugs, cigarettes, ashes cinders, sand, potters clay, resin, mud, straw, metal, glass, rags, feathers, tar, plastics, wood, grass clippings, insoluble shavings, asphalt, creosote, bone hide, eggshells. Meat and fat trimming or Waste, baking dough, chemical residues, spent grain and hops, whole food, garbage, paint residues, cat box litter, animal tissues, manure, blood or Sharps;
- (b) No person shall dilute wastewater so as to avoid the requirement of this bylaw or The South Red Deer Regional Wastewater Commission, Wastewater Discharge *Regulation Releases to the Sanitary Sewerage System*.

GREASE, OIL & SOLIDS INTERCEPTION

- 72** (1) Every owner or operator of premises containing a restaurant, vehicle repair or auto body shop, petroleum service station, or vehicle and equipment washing establishment, shall:
- (a) install an Interceptor or filter for the removal from Wastewater of grease, oil, solids or other harmful substance;
 - (b) make available to the Town upon request a maintenance schedule and record of maintenance for the Interceptor or filter.
- (2) Should any blockage of the Wastewater Sewer system be caused by reason of failure, omission, or neglect of a Customer, to comply strictly with the provisions of this Bylaw, the Customer shall, in addition to any penalty for infraction of this Bylaw, be liable to and shall on demand pay The Town for all costs of clearing such blockage and for any other amount for which The Town may be held liable because of such blockage.

DISCHARGE OF PROHIBITED SUBSTANCES

- 73** Any Person responsible for or aware of the discharge of prohibited substances in the Wastewater system shall immediately report to The Town in order that the necessary precautions can be taken to minimize the Deleterious effects of the discharge. Such Person must also make other required reports to Alberta Environment and any other governing body.

MANHOLES

- 74** (1) Manhole(s) are required to be constructed in accordance with The Town's Standards in locations that are accessible to The Town, on all Wastewater Service Connections to premises such as:
- (a) Residential dwellings over 6 units, apartments over 6 units, nursing homes, senior complexes, Institutions, hospitals, dental labs, funeral homes, churches, schools.
- (2) Such manholes may be constructed by the Customer, or the Town at the Customer's cost, and shall be maintained by the Customer so as to be safe and accessible at all time.

HAULED WASTEWATER

- 75** (1) No Person shall discharge or permit the discharge of Hauled Wastewater at any location.

PART 5 – STORM WATER UTILITY

CONNECTON TO STORM WATER SEWER

- 76** Where the seasonally adjusted groundwater table is within 2 m of the top of the footing of any residence constructed after the passage of this Bylaw, such residence must have a weeping tile system connected to a Storm Water sewer where a Storm Water Sewer is available.

CLEANOUTS

- 77** A building Storm Water sewer that is connected to The Town's Storm Water Sewer shall be equipped with a main Cleanout with a minimum diameter of 75 mm, located not more than 25 m from Property line. The main Cleanout shall be located as close as practical to the point where the Storm Water Sewer leaves the building and in such a manner that the opening is readily accessible and has sufficient clearance (2m) for effective rodding and cleaning. The building Storm Water Sewer from Cleanout to Property line is to be as straight as possible. A maximum of one additional 45 degree bend may be used between the Cleanout and Property line.

BACKFLOW VALVES

- 78** All weeping tile and Storm Water fixtures set below the level of the highest ground surface adjacent to the premises shall be protected from backflow by an approved Storm Water Backflow Valve.

TREES AND ROOTS

- 79** (1) Deep rooting trees shall not be planted within 6 meters of Storm Water Sewer mains or services.
- (2) If it is determined that a root blockage is predominantly located within the private portion of a Storm Water Sewer connection then the Customer shall be responsible to clear the blockage at his or her own expense. The Town shall have no obligation to clear the blockage.
- (3) If it is determined that a root blockage is predominantly located within the Town portion of the Sewer Connection or with any other part of the Town's Storm water sewer system, then The Town shall clear the blockage and perform rehabilitation or remove the trees at the Town's expense.

PROHIBITED STORM WATER SEWER USE

- 80** (1) No Person shall discharge, deposit or permit any of the following into any pipe, main conduit, manhole, street inlet, gutter draining into the Storm Water system:
- (a) Any Deleterious substance; Industrial Waste; domestic Waste; non domestic Waste; Wastewater; trucked liquid Waste; pool or hot tub water; mud, sand, silt, or grit; any flammable liquid or explosive material; solvent or petroleum derivative including but

not limited to gasoline, naphtha or fuel oil; any pesticides, insecticide or fungicides; Radioactive Material; septage, soil, dead animals or parts, cooking oils and greases, transmission fluids, battery acids and antifreeze, paint cement or concrete wastes, sawdust, wood, fibre board or construction material, yard waste, herbicides or fertilizers soaps or detergents, hazardous substances, animal wastes or cooling water from any industrial process.

- (b) Any corrosive, noxious or malodorous gas, liquid or substance which either single or by interaction with other Wastes, is capable of:
 - (i) Creating a public nuisance or hazard to life;
 - (ii) Preventing human entry into a Storm Water Sewer or pump station; or
 - (iii) Causing damage to the Storm Water system.
 - (c) any other substance which may cause impairment of or damage to the environment, human health, safety, Property, or Town infrastructure.
- (3) No Person shall obstruct or restrict a Storm Water Sewer or the flow therein.
- (4) No Person shall discharge water to any Storm Water Sewer or to a watercourse, containing any substance which, in the opinion of The Town.
- (a) is or may become harmful to any recipient watercourse or Storm Water system or part thereof;
 - (b) may interfere with the proper operation or maintenance of the Storm Water system;
 - (c) may become a health or safety hazard to Persons, Property, animals, vegetation and the environment.

DISCHARGE OF PROHIBITED SUBSTANCES IN STORM WATER

- 81** (1) Any Person responsible for or aware of the discharge of prohibited substances in the Strom Water system shall immediately report to The Town in order that the necessary precautions can be taken to minimize the Deleterious effects of the discharge. Such Person must also make other required reports to Alberta Environment and any governing body.

TOWN STORM WATER SEWER USE

- 82** Town forces may discharge water into a Storm Water Sewer or watercourse resulting from non-domestic activities such as;
- (a) hydrant & Water Main flushing (de-chlorination required); and
 - (b) fire fighting activities.

PART 6 – WASTE MANAGEMENT UTILITY

- 83** This bylaw applies to all waste, yard waste and recyclable material produced or transported within the boundaries of the Town.

Nothing in this Bylaw shall operate to relieve any person from complying with any Federal, Provincial or other Town Law, Order, Regulation or Bylaw and such person shall comply with all conditions or obtain any necessary consent at his or her own expense.

- 84** Except as provided in this Bylaw, no person shall;
- (a) store or deposit any waste, yard waste or recyclable material in or on any premises owned or occupied by the Town or on any street or boulevard; or
 - (b) store or place any collection cart, receptacle or commercial bin on any street or boulevard.

- 85** Section 83 shall not apply:
- (a) In respect of any waste or recyclable material stored or deposited at any disposal site designated pursuant to this Bylaw;
 - (b) In respect of any collection cart or receptacle placed or stored on a street for use by the public by or with the consent in writing of the Town;
 - (c) To a person who is actively engaged in loading or unloading any collections cart, receptacle or commercial bin.

- 86** No Person shall scavenge waste, yard waste or recyclable material from a collection cart, receptacle or a commercial bin.

- 87** No Person shall damage, tamper with or vandalize a collection cart, receptacle or commercial bin owned and operated by The Town or a person.

COLLECTION

- 88** Subject to the provision of this Bylaw the Town of Penhold shall cause waste and recycling to be collected from each dwelling house on a regular basis to the extent of this Bylaw and fee for service collected as a direct charge as per Schedule A. The frequency of collection and unit amounts to be determined by The Town.
- 89** The Town provides for the collection, removal and disposal of waste, yard waste and recyclable materials within the boundaries of the Town through contracted services.
- 90** Unless special arrangements are made with the Town, the Town of Penhold shall not remove from premises on which dwellings are located discarded furniture, discarded white metals, automobile parts including tires, household equipment and renovation materials or any waste that may be deemed by The Town.
- 91** The contents of a cart or a receptacle which does not comply with this Bylaw shall not be collected, removed and disposed of by the Town of Penhold or its solid waste contractor, but shall be removed and disposed of by the owner or occupant of lands on which the same originates.
- 92** The Town of Penhold shall ensure that the equipment used for waste collection and the manner in which waste is collected and disposed of by the Town of Penhold or its contractor shall comply with provincial and federal regulations.
- 93** No collection will be made where there is harassment or interference by dogs or other animals running at large.
- 94** No persons, other than those appointed, under the provisions of this bylaw shall interfere with or disturb the contents or collection cart or receptacle.
- 95** No person shall willfully or maliciously hinder or interrupt or cause or procure to hinder or interrupt the Town of Penhold or its contractors, agents, employees, in the exercise of their powers and duties related to the collection utility and authorization contained in this bylaw.
- 96** No person shall deposit materials in a waste cart or receptacle or recycling container or a commercial container without the consent of the owner or occupant of the premises on which the cart or receptacle or container is located.
- 97** The Town of Penhold shall approve the equipment, location, carts and receptacles used for residential waste, yard waste and recycling. Furthermore, the Town determines the manner in which waste, yard waste and recyclables material is collected, disposed and processed.
- 98** The Town shall not collect residential waste, residential yard waste or residential recyclable material from:
- (a) Condominiums;
 - (b) Apartment houses
 - (c) Un-serviceable property.

Unless approved in writing by The Town

99 An owner or occupant of a premises listed in Section 97 shall:

- (a) Arrange for waste, yard waste and/or recyclable material collection and disposal or processing, at the expense of the owner or occupant, by a private collection service that disposes of waste, yard waste and/or recycling at a disposal site; and
- (b) Ensure that waste, yard waste and/or recyclable material is collected on a regular basis to prevent the development of noxious odors and the accumulation of waste, yard waste and recyclable material.

CONTRACTING AND DISPOSAL

100 The Town of Penhold at its sole discretion shall determine the necessity for a cart or container, the placement or location of the cart or container, and the number of containers required by the contractor for all properties.

101 The Town may provide the necessary equipment for the public collection and removal of waste, yard waste and recyclable material within the limits of The Town.

102 The Town may provide, supervise and operate the facilities and equipment necessary or desirable for disposal and processing of waste, yard waste and recyclable material collected by the Town.

103 The Town may;

- (a) Supervise the collection, removal and disposal of waste, waste and recyclable material;
- (b) Direct the days and times that collections will be made from different portions of the Town; and
- (c) Decided as to the quantities and types of waste, yard waste and recyclable material to be removed from any dwelling house included within the Town's collection utility or accepted by the Town for disposal or processing.
- (d) Grant exclusive franchise for the collection, removal and processing of all front load solid waste services within the boundaries of the Town. Such exclusive franchise will be governed by the terms of this bylaw and any agreements entered into with the Town and the contractor.

104 The Town may instruct collectors to refuse to collect residential waste and or recyclable material which has not been securely placed in a collection cart, if the collection cart lid is not fully closed, is improperly placed for collection, is overflowing with materials or if the collection cart has become overturned so as to allow spillage or scattering of the contents.

TOWN COLLECTION AND REMOVAL OF RESIDENTIAL WASTE, YARD WASTE AND RECYCLABLE MATERIAL

105 Subject to the provisions of this Bylaw, the Town:

- (a) shall cause one unit of residential waste to be collected from each dwelling house once per week;
- (b) shall cause one unit of residential recyclable material to be collected from each dwelling every second week;
- (c) shall approve the equipment used for residential waste, yard waste and recyclable material collection and the manner in which waste, yard waste and recyclable material is collected and disposed or processed:
- (d) shall own all collection carts;
- (e) may enter into a contract with a person for the collection of the whole or a portion of the residential waste, and or yard waste and or recyclable material accumulated within the Town limits;
- (f) may decide the collection point from which waste and recyclable material will be collected from a dwelling house;
- (g) may carry out any inspections required to determine compliance with this Bylaw

EXCESS RESIDENTIAL WASTE AND/OR RECYCLING FOR COLLECTION

106 Excess waste will be collected provided the excess waste is contained:

- (a) within an additional waste collection cart provided to a customer pursuant to a service change request and subject to payment of the applicable excess rate.

107 Excess residential recyclable material will be collected provided the residential recyclable material is contained:

- (a) within an additional recycling collection cart provided to a customer pursuant to a service change request and subject of payment of the applicable excess rate.

108 The additional waste collection cart and additional recycling collection cart referred to in Sections 105 & 106,

- (a) may be requested through a standard utility application process as specified by the Town.

REQUIREMENT FOR PROVISION OF COLLECTION

109 No Person shall set waste out for collection in the street unless it meets the requirements set out as follows:

- (a) an owner or occupant of a dwelling house must ensure that residential waste material:
 - (i) is bagged prior to deposit into the collection cart;
 - (ii) that consists of light, dusty or objectionable materials including cooled ashes, powders, sawdust, vacuum cleaner bags, furnace filters, animal feces and absorbents is double bagged;
 - (iii) does not include non-acceptable waste materials as determined by the Town from time to time;
 - (iv) does not include objects such as glass, nails, knives, metal or wood splinters unless properly contained in a puncture resistant receptacle before being placed in a waste collection cart;
 - (v) does not include ashes which are not properly quenched.

110 No Person shall set recyclable material out for collection in the street unless it meets the requirements set out as follows;

- (a) Reasonably clean; and
- (b) Placed loosely into the collection cart without bagging or bundling with the exception of plastic bags and shredded paper which may be bagged.

111 Yard waste containers to be provided for residential use at a location to be determined by the Town on a seasonal basis

PROVISION OF WASTE AND RECYCLING COLLECTION CARTS

112 Residential waste and recyclable material collection carts will be provided by the Town at the expense of the customer, for a fee determined by the Town from time to time and specified in Schedule A if:

- (a) for the replacement of lost, stolen or damaged collection carts; and
- (b) for the provision of any excess waste or recycling collection cart(s)

RESIDENTIAL WASTE AND RECYCLING COLLECTION CARTS

113 The owner or occupant of a dwelling house:

- (a) shall utilize for waste and recyclable material collection only the Town provided residential waste and recycling collection carts required for automated collection;
- (b) shall clean up any spillage originating from the waste or recyclable material collection carts assigned to their premises;
- (c) shall not set out for collection any waste or recyclable material that is not generated by the occupants of his own dwelling house;
- (d) shall not tamper or interfere with any waste or recyclable material set out for collection that is not generated by the occupants of his own dwelling house,
- (e) shall ensure that the collection carts:
 - (i) are not filled in such a manner that the manufacturer's rated weight limit is exceeded;
 - (ii) are not filled higher than the upper rim of the cart or in a manner which prevents full closure of the cart lid;
 - (iii) do not have its contents compressed in such a manner that it inhibits the waste or recyclable material from falling freely from the collection cart during the regular tipping process;
 - (iv) do not contain any material which might adhere to the inside of the collection cart, such material to be separately wrapped prior to being placed in the collection cart;
 - (v) are maintained in good repair and in a reasonable clean and sanitary condition;
- (f) shall ensure that the collection carts are:
 - (i) stored on the premises from which the collection cart is assigned and shall not encroach upon or project over any street, lane or public place except when placed on such street for the purpose of collection under this Bylaw; and

- (ii) stored with the lid closed in order to reduce odors and prevent litter;
- (g) shall ensure that collection carts are set out for collection;
 - (i) no later than 7:00 am on the day of collection; and
 - (ii) no earlier than 7:00 pm on the day before collection
- (h) shall ensure that all collection carts assigned to the dwelling house are returned to their property no later than 10:00 pm on the day of collection;

114 A collector shall not be required to remove or empty;

- (a) a collection cart which together with its contents exceeds the manufacture's rated weight limit;
- (b) a collection cart containing non-acceptable materials;
- (c) a collection cart filled higher than the cart's upper rim causing the cart lid to not fully close.

PLACEMENT OF RESIDENTIAL WASTE AND RECYCLING FOR COLLECTION

115 All collection carts set out for collection shall conform to the following standards:

- (a) be placed in such a manner that automated collection may occur without collectors being required to manually move the collection carts in order to allow pick up;
- (b) be placed in a manner that the front of the collection cart is facing the street;
- (c) All collection carts must be placed at the edge of the curb, with clearances of at least 0.3 meters to the rear, 0.3 meters between the carts and 1 meter clearance from any obstacles such as cars or utility boxes.
- (d) collection carts must not be placed on the sidewalk or in such locations as to interfere in any way with vehicle or pedestrian traffic;
- (f) collection carts must be placed on a level surface not more than 150 mm above the road elevation;
- (g) collection carts must be placed for collection in a way that they cannot easily be tipped over;

- 116** Waste and recycling collection carts from units in a residential condominium shall be placed in a centralized location for collection, at or near a traveled portion of the access road on the common property or elsewhere with the written approval of The Town.
- 117** No collector shall be required to make a collection of waste or recyclable material if the waste or recycling collection cart is not placed according to the standards specified in the Bylaw including but not limited to Section 114.
- 118** No collector shall be required to make a collection of waste or recyclable material from inside any building or be required to pass through a building in order to collect waste or recyclable material except as approved by The Town.

COLLECTION INTERFERENCE

- 119** No Person shall willfully hinder or interrupt or cause or procure another to hinder or interrupt, The Town or its contractors, servants, agents, or employees, in the exercise of powers and duties under this Bylaw.
- 120** No Person shall deposit waste or recyclable material in a collection cart without the consent of the owner or occupant of the premises on which the collection cart is located.
- 121** Unless special arrangement for collection are made with The Town, The Town shall not be obliged to collect waste or recyclable material from any building or premises the owners of which are exempt from general taxation.

ACCUMULATION AND DISPOSAL

- 122** Except for refuse which is placed in receptacles required and in a manner complying with the provisions of the Bylaw and in a location designated or allowed by this Bylaw, no person who is the owner, occupant, or person in charge or responsible for any land or building in the Town shall allow waste of any kind to accumulate:
- (a) outside of a building, outside of a portion of the building to which the public or part of the public has access; or
 - (b) on any land or other premises whether or not there is a building or other structure erected thereon.
- 123** No person shall dispose of waste or allow waste to accumulate anywhere in any manner which contravenes a provision of The Public Health Act, the regulations made there under or of a bylaw of The Town relating to health, sanitation or nuisances.
- 124** No Person who has waste of any description requiring disposal shall dispose of it elsewhere than at a disposal site of a type appropriate for the type of waste.

- 125** A person who has disposed of waste on any land contrary to this bylaw shall remove, at his expense, the same upon being required to do so by the owner, occupant or person in charge of the land, by The Town, the Executive Officer of the Local Board of Health, Or Peace Officer, but such removal shall not prevent him from being prosecuted.
- 126** If the person who has placed waste on land contrary to this bylaw cannot be ascertained or neglects or refuses to remove the waste there from the owner, occupant or person in charge of the land shall remove the waste or cause the waste to be removed, at his expense, from the land upon being directed to do so by the Chief Administrative Officer or his designate, the Executive Officer of the Local Board of Health, or a Peace Officer.

RATES & PAYMENTS

- 127** Every person, firm or corporation being a registered owner or purchaser entitled to possession under an agreement for sale of property which is served by collection services of the Town of Penhold, shall pay monthly utility charges for the collection, removal and disposal of refuse in accordance with the rates established in Schedule A.
- 128** The Town of Penhold shall determine the amount of refuse removed from a premises and its determination shall form the basis from the charges for excess collections.
- 129** All accounts rendered under this bylaw shall become due and payable in the same manner as the Water and Sewer Utility bill with the solid waste service charge being included as a separate item on the utility bill and the fee shall form part of and be payable to the Town of Penhold at the same time as the utility bill.
- 130** Where the owner of a property is the recipient of the waste collection service and where a utility account and other charges under this bylaw remain unpaid for a period of 90 days the Town may choose to transfer the outstanding account to the tax roll account of the property.
- 131** Non-receipt of a utility bill will not exempt the owner from payment for the services received.
- 132** The rates or charges levied under this bylaw will be applied to all properties within the Town with no option for use of the service.
- 133** Any owner paying rates or fees for collection shall be and remain liable for all rates or fees until they have given notice in writing to the Town of Penhold of their intended date of vacating the property. They shall not be liable for rates or changes levied thereafter provided they have vacated the property

- 134** Where the waste collection service has been discontinued because of default of payment, the waste collection service shall not be reinstated until payment of all utility amounts outstanding have been recovered by the Town of Penhold

WASTE MISCELLANEOUS

- 135** No Person shall burn waste material within the Town of Penhold unless given written permission from the Fire chief.
- 136** No Person shall put disposable or other types of hypodermic needles in any waste placed for collection by the Town of Penhold or a private disposal service, unless properly contained in an approved sharps container.
- 137** No Person shall put luminescent gas filled electric discharge tubes in any waste placed for collection by the Town or by a private disposal service unless such tube has first; been completely crushed and encased in material so that no portion of the tube may puncture the material in which the remains of the tube have been encased, or have been encased without breaking in an adequate container of sufficient size and strength so that the tube cannot be broken when the same is picked up by the Town of Penhold or private disposal service.
- 138** Unless and until it has been first encased, no person shall place a luminescent gas-filled electric discharge tube of over four feet in length for collection by the Town of Penhold or by a private disposal service.
- 139** No person shall place any of the following items in any waste collection cart for collection by the Town or its Contractor:
- (a) any recycling materials or yard waste materials
 - (b) any hazardous waste materials;
 - (c) any waste materials that are not defined as household waste.
- 140** No Person shall place any of the following items in any residential recycling collection cart for collection by the Town or its Contractor:
- (a) any waste;
 - (b) any materials that are not recyclable materials;
 - (c) any recyclable materials that are not reasonably clean.

HAZARDOUS WASTE

- 141** A collector shall not collect hazardous waste.

- 142** No person shall place or mix with any refuse placed for collection by the Town of Penhold or delivery to the disposal site any dangerous goods, hazardous waste or biological waste.
- 143** Any person, firm, partnership, corporation or like enterprise breaching any part of the hazardous waste section shall be responsible for all costs incurred in eliminating any pollution or contamination of the disposal site or any other site in the Town of Penhold on demand, such restitution will not except the person or organization from prosecution for contravention of this bylaw.
- 144** The owner or person responsible for the existence or accumulation of hazardous waste or an agent of the owner or responsible person shall cause the hazardous waste to be transported to a disposal site and disposed of as prescribed by the Executive Officer of the Local Board of Health and in a special disposal area designated by the Province of Alberta.
- 145** When hazardous waste is to be disposed of under this Section consisting of poison, drugs, radio-active materials, or like substances, they shall be disposed of under the supervision of the Executive Officer of the local Board of Health or a dully authorized agent of the Province of Alberta.

EXPENSE AND PROSECUTION

- 146** If the owner of a property refuses to comply with any provision of this Bylaw, the Town may undertake the same at the expense of the owner of the property.
- 147** When the Town is required to take action under any part of this bylaw and the owner or occupant defaults on the required payment, then the Town may recover the charges for which the owner is liable by any lawful means available with the cost of such action to be charged against the owner or occupant.
- 148** Whenever in the bylaw it is directed that an owner of any building or premises shall do any matter, then in default of its being done either the owner or if there are several owners, any or all such owners shall be liable to prosecution; and it shall be no defense for any owner so prosecuted to allege that any other person is responsible for such default.

149 PENALTIES

- (1) Any Consumer who contravenes any part of this bylaw shall forfeit any right to be supplied with any utility and in addition thereto shall be guilty of an offence and liable on summary conviction to a fine of \$500.00 for the first offence and \$1000.00 for any offences thereafter of the respective area within this bylaw.
- (2) In the case of an offence that is of a continuing nature, a contravention constitutes a spate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount of not less than that established by this Bylaw for each such day.

- (3) A Peace Officer or Bylaw Enforcement Officer who has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, may serve upon such Person an offence ticket allowing the payment of the specified penalty to the Town which payment will constitute a guilty plea and shall be accepted by The Town in lieu of prosecution for the offence.
- (4) Where a Peace Officer has reasonable grounds to believe a person has contravened any of the Sections of this bylaw he may issue and serve upon such person any offence ticket.

Service of such offence ticket shall be sufficient if it is;

(a) personally serviced; or

(c) mailed to the address of the registered owner of the property or the person in charge of the property.

Read a first time this 14 day of March, 2016

Read a second time this 14 day of March, 2016

Read a Third time this 14 day of March, 2016

Mayor

Chief Administrative Officer