

# COUNTY OF ST. PAUL NO. 19

## BY-LAW NO. 2014-21

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A By-law of the County of St. Paul No. 19 in the Province of Alberta for the regulation, operation and maintenance of water systems, sewer systems and the levying of rates and charges thereof.

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**WHEREAS** the County of St. Paul No. 19 may pass bylaws respecting public utilities;

**WHEREAS** the County of St. Paul No. 19 deems it desirable to provide water and wastewater utility services;

**WHEREAS** it is desired to set forth the terms and conditions under which such services will be provided;

**NOW, THEREFORE** under the authority and subject to the provisions of the Municipal Government Act, 2000, as amended, and by virtue of all other powers it enables, the Council of St. Paul No. 19, hereby assembled, enacts as follows:

### 1. TITLE

- 1.1 This Bylaw may be referred to as the “Utilities Bylaw” of the County of St. Paul No. 19.

### 2. INTERPRETATION

- 2.1 In this Bylaw, the following terms shall have the following meaning, unless the context specifically requires otherwise:
- (a) “Agreement” means a contract entered into between the County of St. Paul No. 19 and a Customer for the provision of utility goods and services.
  - (b) “Applicant” means property owner or occupant or the authorized representative of a property owner or occupant who applies to the County for utility services.
  - (c) “Application” means the submission made by a customer for the supply of utility services and shall constitute an agreement between the customer and the County once endorsed by the County, notwithstanding any other agreements between the customer and the County.
  - (d) “Billing Date” means the date set out on the invoice of the County which levies the applicable utility charge;
  - (e) “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
  - (f) “Chief Administrative Officer” means the Chief Administrative Officer of the County of St. Paul No. 19, hereafter referred to as “CAO”
  - (g) “Charges” shall constitute any amount assessed by the County to a customer, other than the rate, and including those charges listed in the County’s Fee Schedule Bylaw.
  - (h) “Customer” means any person who has entered into an agreement with the County for the provision of utility services, or who is the owner of any property connected to or provided with a utility service by the County.

- (i) "County" means the County of St. Paul No. 19.
- (j) "Matter" means any solid, liquid or gas.
- (k) "Outstanding Account" means utility charges for which the County has not received payment within thirty (30) days of the Billing Date.
- (l) "Person" means a natural person, body corporate, proprietor, association, society, or partnership.
- (m) "Premises" means any land or building on land or both or any part thereof within the County lying along the line of the water system, sewage system, or storm water system or any combination thereof.
- (n) "Release" means to directly or indirectly spill, discharge, spray, inject, inoculate, abandon, deposit, leak, seep, pour, drain, emit empty, throw, dump, place or exhaust either intentionally or accidentally.
- (o) "Sewage System" means any works for the collection, transmission, treatment, or disposal of sewage, or any part of such system.
- (p) "Technician" means the County's water/waste water treatment technician as appointed by Council or the County's Chief Administrative Officer from time to time.
- (q) "User" means any person to whom the Municipality supplies utility services, and shall be deemed to be:
  - a) in a situation where the occupant is the registered owner or purchaser of a building or lot or part of a lot, the occupant; or
  - b) in a situation where the occupant is a person other than the registered owner or purchaser of a building or lot or part of a lot:
    - (i) the registered owner or purchaser, where:  
the registered owner or purchaser entered into a written agreement with the County for the supply of utility services; or
    - (ii) the occupant in all cases other than contained in subsection (i) above; however, the registered owner or purchaser shall be deemed to be the Customer
- (r) "Utility Charges" means the fees, rates, charges or other amounts imposed by the County for Utility Services, pursuant to this Bylaw including the rates set out in the Fee Schedule Bylaw;
- (s) "Utility Services" means the County's Sewage System, and Water System;
- (t) "Water System" means any County works for the collection, transmission, treatment, and distribution of water.

### **3. GENERAL TERMS AND CONDITIONS**

- 3.1 This Bylaw shall form part of every Agreement, written or implied between the County and a Customer for supplying water and sewer services.

- 3.2 Subject to the provisions of this Bylaw, the Chief Administrative Officer or their designate may enter into Agreements on behalf of the County with any Customers of the water system within the County and in such Agreements may provide that in the event the consumer has failed to comply with the provisions and requirements of this Bylaw or the terms of the Contract then the supply of water may be discontinued.
- 3.3 The Chief Administrative Officer or their designate may require any consumer to enter into an Agreement with the County, for supplying water and related services, subject to the terms and conditions as are required by the Chief Administrative Officer or their designate.
- 3.4 The Chief Administrative Officer may, subject to the approval of Council, enter into an Agreement to supply water to a consumer outside the County Limits.

#### **4. DISCHARGES TO SEWAGE SYSTEM**

- 4.1 No person shall without the prior written approval of the County, discharge or deposit or cause or permit the discharge or deposit into a sewage system the following:
  - (a) Matter which because of its type, temperature or quantity, may be or may become a health or safety hazard to any person or which may be or may become harmful to a Sewage System of the operation thereof, or which may cause the Sewage System's effluent or operation to contravene any federal, provincial or local legislation or requirement;
  - (b) Matter that may cause an offensive odour to emanate from a Sewage system;
  - (c) Subsurface drainage, including weeping tile drainage;
  - (d) Water that had originated from a source separate from the Water system of the County, unless there is no Water system abutting the Premises;
  - (e) Matter resulting from site remedial activities at spill sites or a petroleum leak sites, and
  - (f) Hauled sewage in any amount without the prior written approval of the County with the exception of the recreational vehicle dumping stations in Ashmont and Mallaig.
- 4.2 Any person who releases or causes or permits the release into any sewage system of any matter set out in Section 4.1 above, shall:
  - (a) Notify the County immediately upon becoming aware of the release;
  - (b) Provide information respecting the release, to the satisfaction of the County;
  - (c) Be liable for all costs incurred by the County with respect to the release for containment, sampling, testing, removal, cleanup, disposal and any other related activity.

#### **5. PROTECTION OF THE UTILITY SERVICES**

- 5.1 No person shall break, damage, destroy, deface, tamper, cause or permit the breaking, damaging, destruction, defacing or tampering with any part of the utility services or any permanent or temporary device

installed for the purpose of measuring, sampling and testing of matter in the utility services, and any person who does perform such acts shall be liable for any damage incurred.

- 5.2 The County may discontinue access to the utility services where the County believes the use of utility services to the premises to be contrary to this Bylaw.
- 5.3 The County shall post a disconnection notice on the premises at least twenty-four (24) hours prior to preventing access to the utility services from the premises pursuant to Section 5.2 above, advising that access to utility services may be prevented and that there may be a health risk to persons entering the premises.
- 5.4 Whenever the County determines that a release from a premises in the County is contrary to this Bylaw, the County may in addition to any other provisions in this Bylaw require the User to:
  - (a) install and maintain a device to detect the presence of a release contrary to this Bylaw;
  - (b) notify the County of a detection of a release contrary to this Bylaw, to provide all information to the County's satisfaction;
- 5.5 Every person who contravenes any provisions of the Bylaw is guilty of an offence and on conviction is liable for a fine as per the Fee Schedule Bylaw.
- 5.6 If a person is guilty of a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this Bylaw, that person is guilty of an offence and on conviction is liable for every day or part thereof upon which a subsequent offence occurs or continues to a fine as per the Fee Schedule Bylaw.
- 5.7 No person who is convicted for an offence pursuant to this Bylaw is liable to imprisonment.

## **6. CHARGES**

- 6.1 New service connections will be charged a fee to access County Utility Services as per the County's Fee Schedule Bylaw. All installation costs will be covered by the owner or applicant. New installations must be installed as per County standards and inspected by County staff prior to backfilling.
- 6.2 The County shall levy utility charges for all premises serviced by or connected to the County's Utility Services and being supplied water or sewer services. Such utility charges shall be calculated in accordance with rates set out in the County's Fee Schedule Bylaw.
- 6.3 The User shall pay the applicable utility charges calculated pursuant to Section 6.1 above, with such payment to be received by the County within thirty (30) days of the billing date.
- 6.4 Any user to whom utilities services have been shut off or discontinued for committing a breach of this Bylaw, shall upon having paid any outstanding account and all costs and charges therewith, and upon requesting the County to restore such utility services with a fee to be charged as per the Fee Schedule Bylaw.
- 6.5 Summer residents shall be billed for a minimum of 5 months. The water will be connected once and disconnected once per year at no charge. For any additional connections/disconnections each year, the owner will be charged as per the Fee Schedule Bylaw.

- 6.6 If a County Utility Operator is called out to fix a problem that is not caused by the County water system, the owner will be charged according to the rates set out in the County's Fee Schedule Bylaw.
- 6.7 Outstanding accounts may be assessed cumulative penalty of one and one-half percent (1.5%) of the outstanding account.
- 6.8 Utility charges shall be due and payable notwithstanding if the premises are vacated or abandoned, unless the user successfully applies to the County to be exempted from paying utility charges for one or more utility services. The Chief Administrative Officer or their designate may accept such application upon being satisfied:
  - (a) that the premises are not occupied for any purpose; and /or
  - (b) that absence of the relevant utility services will not contravene or result in the contravention of any federal, provincial or municipal legislation.
- 6.9 A user is not relieved from paying utility charges by reason of non-receipt of an account for utility charges, whatever the reason for non-receipt.
- 6.10 If there is a water system abutting the premises and no exemption has been granted pursuant to Section 6.8:
  - (a) The owner of any premises shall install connections to the water system and any apparatus and appliances required to ensure the proper sanitary condition of the premises;
  - (b) The Customer shall ensure that the municipal supply is not at risk of cross contamination by any outside source; and
- 6.11 If there is a sewage system abutting the premises and no exemption has been granted pursuant to Section 6.8:
  - (a) The owner of any premises shall install connections to the sewage system and any apparatus and appliance required to ensure the proper sanitary condition of the premises as per the Agreement and will submit to an inspection if requested by the County;
- 6.12 The delivery of all utility services shall be billed to the registered owners of a building and/or lot. Where the building and/or lot is rented, the registered land owner will be billed directly and be responsible for all utility bills.
- 6.13 In the case of a mobile or modular home owner where the unit is situated on a leased lot the registered owner of the unit shall be deemed to be the Customer, and will be responsible for all utility bills.

## **7 ENFORCEMENT**

- 7.1 Enforcement or rectification pertaining to breaches of the Bylaw, including enforcement of payment of outstanding accounts for which payment of the applicable utility charge as set out herein has not been made by the user to the County within sixty (60) days of the billing date may be undertaken by the County by any or all of the following methods:
  - (a) action in a court of competent jurisdiction;
  - (b) shutting off the utility being supplied to the user or discontinuing there service thereof;

- (c) distress and sale of the goods and chattels of the person owing the outstanding account wherever those goods and chattels may be found in the County.

7.2 Any attempt to collect an outstanding account by any method set out in Section 7.1 above, does not in any way invalidate any liens which the County is entitled to on the premises in respect of which the indebtedness is incurred.

## **8 DELEGATION OF AUTHORITY**

8.1 The Chief Administrative Officer or their designate is hereby authorized to do all things necessary to fulfill the Chief Administrative Officer's authority under this Bylaw.

8.2 The Chief Administrative Officer or their designate:

- (a) or any municipal employee or agent requested by the Chief Administrative Officer or designate may enter at all reasonable times to a premises on which the customer was or is supplied with utility services, for the purpose of installing, maintaining, removing or replacing any fittings, wires, machines, apparatus, meters, pipes or other things that are the property of the Municipality; and
- (b) may otherwise inspect, construct and maintain all works, wells, pipes, poles, erections, and machinery requisite for any utility service vested in the Municipality.

8.3 Any person who considers themselves to be aggrieved by a decision of the Chief Administrative Officer or their delegate may appeal the decision to Council;

- (a) an appeal shall be made within thirty (30) days of receipt of the Chief Administrative Officer or their designate's decision;
- (b) all appeals shall be in writing addressed to the County Council; and
- (c) the Council's decision respecting an appeal shall be final and binding.

8.4 The Chief Administrative Officer or any municipal employee or agent requested by the CAO, may perform all construction, maintenance, sampling tests, inspections, repairs, placement settings, or alterations with respect to water meters, or any utility, pipe, wire connection or tap within the Municipality's authority.

## **9 OTHER MATTERS**

9.1 No person shall supply false information or make inaccurate or untrue statements in a document or information required to be supplied to the County pursuant to this Bylaw.

9.2 Any authority or activity to be performed by the County may be performed by the County's Chief Administrative Officer or person designated by the Chief Administrative Officer.

## **10 SEVERABILITY**

10.1 Should any clause or part of this Bylaw be found to have been improperly enacted, for any reason, then such clause or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the clause or part to be found to be improperly enacted has not been enacted as part of this Bylaw.

**11. REPEAL AND PASSAGE**

11.1 Bylaw No. 1574 is hereby repealed upon this Bylaw coming into effect.

Read a first time this

Read a second time this

Read a third time this

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Reeve

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Chief Administrative Officer