

COUNTY OF ST. PAUL NO. 19

BY-LAW NO. 1574

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 storm water systems and the levying of rates and charges thereof.

WHEREAS by virtue of the power conferred upon it under the Municipal Government Act. R.S.A. 1989 c.M-26.1, the Council of the County of St. Paul No. 19, duly 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) “Billing” Date” means the date set out on the invoice of the County which levies the applicable utility charge;
 - (b) “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
 - (c) “County” means the County of St. Paul No. 19.
 - (d) “Matter” means any solid, liquid or gas.
 - (e) “Outstanding Account” means utility charges for which the County has not received payment within thirty (30) days of the Billing Date.
 - (f) “Person” means a natural person, body corporate, proprietor, association, society, or partnership.
 - (g) “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.
 - (h) “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.
 - (i) “Sewage System” means any works for the collection, transmission, treatment, or disposal of sewage, or any part of such system.
 - (j) “Storm Sewer System” means a sewer used primarily for the collection of water that is released or drained from a surface as a result of natural precipitation or water to which no Mater has been added as a consequence of its use by any Person.
 - (k) “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.
 - (l) “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

the supply of utility services is to commence on or after March 1, 1996.
 - (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 user until such time as the name and address of the occupant is provided in writing to the County;
- (m) "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 Schedule "A";
- (n) "Utility Services" means the County's Storm Sewer System, Sewage System, and Water System;
- (o) "Water System" means any County works for the collection, transmission, treatment, and distribution of water.

3. DISCHARGES TO SEWAGE SYSTEM

- 3.1 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 odor 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.

3.2 Any person who releases or causes or permits the release into any sewage system of any matter set out in Section 3.1 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.

4. DISCHARGES TO STORM SEWER SYSTEM

4.1 No person shall release matter of a kind listed below into or in land drainage works, private bench drains or connections to any storm sewer system:

- (a) Matter which because of its type, temperature or quantity may:
 - (i) interfere with the proper operation of a Storm Sewer;
 - (ii) result in a hazard to any person, animal, property or vegetation;
 - (iii) impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse; or
 - (iv) result in the contravention of any federal, provincial or municipal legislation including an approval, requirement, direction or other order issued by Alberta Environmental Protection or other enforcing agency with respect to the storm sewer or its discharge; and
- (b) Matter containing more than fifty (50) milligrams per litre of suspended solids;
- (c) Matter containing dyes or colouring material which discolour the water;
 - i. Matter contain solvent extractable matter or vegetable origin or a mineral or synthetic origin which causes a visible film, sheen or discoloration on the water surface;
- (d) Any matter which by itself or in combination with other substances is capable of causing or contributing to any explosion or supporting combustion;
- (e) Matter that is sewage without the County's prior written approval;

4.2 Any person who releases or causes or permits the release into any storm sewer system any matter set out in Section 4.1 above shall:

- (a) notify the County immediately upon becoming aware of the release;
- (b) provide the County with information respecting the release, to the satisfaction of the County;
- (c) Be liable for all costs incurred by the county respecting 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 or tamper or cause or permit the breaking, damaging, destruction, defacing or tampering with any part of the utility services or any permanent or temporary device install in the utility services 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 sign 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 of not more than \$2,500.00.
- 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 of not less than \$1,000.00 and not more then \$2,500.00.
- 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 Schedule "A". 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 Schedule "A".
- 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, pay to the County a reconnection charge of fifty (\$50.00) dollars.

- 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 a \$30 fee.
- 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 Schedule "A".
- 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 that 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 foreman may accept such application upon being satisfied:
 - (a) that the premises are not occupied for any purpose; and /or
 - (b) that the 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 6.6:
 - (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 owner shall ensure that the premises does not use water extracted from or stored in works on the lands, other than the water system, and that if there are such works, the source shall be disconnected, the related works removed and the lands reclaimed to the Municipality's satisfaction; and
 - (c) No person shall use water extracted from or stored in works on the lands other than the water system.
- 6.11 If there is a sewage system abutting the premises and no exemption has been granted pursuant to Section 6.6:
 - (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;
 - (b) The owner shall ensure that the premises does not store, dispose of or treat sewage through any works on the lands, other than those connected to the sewage system, and that if there are such works, the owner shall remove the related works and reclaim the lands to the municipality's satisfaction; and
 - (c) No person shall use works on the lands for the storage, disposal or treatment of sewage other than the works connected to the sewage system.
- 6.12 Commencing January 1, 2005, 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 owner will be billed directly and be responsible for all utility bills.

- 6.13 In the case of a Mobile home/Modular home owner where the unit is situated on a leased lot the registered owner of the unit shall be deemed to be the consumer.

7. ENFORCEMENT

- 7.1 Enforcement of rectification of 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 foreman is hereby authorized to do all things necessary in order to fulfill the foreman's authority under this Bylaw.
- 8.2 The foreman:
- (a) may supervise the collection, removal and disposal of garbage and refuse pursuant to this Bylaw, and any contract entered into pursuant to this Bylaw.
 - (b) may decide what does or does not constitute garbage, refuse, or prohibited waste pursuant to this Bylaw;
 - (c) may schedule the collection of garbage and refuse pursuant to this Bylaw;
 - (d) or any municipal employee or agent requested by the foreman 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
 - (e) 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 foreman may appeal the decision to Council;
- (a) an appeal shall be made within thirty (30) days of receipt of the foreman's decision;
 - (b) all appeals shall be in writing addressed to the Municipality's Administrator; and
 - (c) the Council's decision respecting an appeal shall be final and binding.

8.4 The foreman or any municipal employee or agent requested by the foreman, 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. GENERAL 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 Commissioner or person designated by the County's Commissioner.

10. REPEAL AND PASSAGE

10.1 Bylaw No. 1546 is hereby repealed upon this Bylaw coming into effect.

Read a first time this day of , A.D. 2011.

Read a second time this day of , A.D. 2011.

Read a third time this day of , A.D. 2011, and duly passed this day of , A.D. 2011.

Reeve

Chief Administrative Officer

Schedule "A"

Rates referred to in Item 6.1

New Water Service Connection \$1,500.00
(includes cc valve, stem and casing, water meter, and inspection)

New Sewer Service Connection \$1,000.00
(includes inspection)

Rates referred to in Item 6.2

Lottie Lake	Water	\$20.00	(Water \$1.00 per cubic meter)
Mallaig	Water	\$12.00	(Water \$1.10 per cubic meter)
	Sewer	<u>\$20.00</u>	
		\$32.00	
Ashmont	Water	\$12.00	(Water \$1.25 per cubic meter)
	Sewer	<u>\$10.00</u>	
		\$22.00	

Readings: End of March, June, September, December

Exceptions to the above rates are as follows:

MALLAIG

Account No.	Name		Amount
20049.1	Mallaig Arena	Flat Water	\$20.00
		Flat Sewer	\$20.00
20054.1	Heritage Homes	Flat Sewer	\$92.00
20055.1	Mallaig School	Flat Sewer	\$284.00
20077.1	Mallaig Curling Rink/Hall	Flat Water	\$20.00
		Flat Sewer	\$20.00

ASHMONT

Account No.	Name		Amount
30009.1	Ashmont School	Flat Sewer	\$200.00
30012.1	Heritage Homes	Flat Sewer	\$50.00
30002.1	Ashmont Agriplex	Flat Water	\$12.00
		Flat Sewer	\$10.00

Rates referred to in Item 6.6

Sewer Work	\$30/hour, minimum of 2 hours
Frozen Water Line	\$30/hour, minimum of 2 hours
Valve Change	Hourly Rate, Plus Parts
Frost Plate	\$20
Power Auger	\$30/hour, minimum of 2 hours
Water Thawer	\$30/hour, minimum of 2 hours
Snake	\$30/hour, minimum of 2 hours