



BYLAW NO. 11/2023
MUNICIPAL DISTRICT OF PEACE NO. 135
IN THE PROVINCE OF ALBERTA

A BYLAW TO REGULATE AND PROVIDE FOR THE SUPPLY OF WATER AND PROVISION OF WASTEWATER SERVICES BY THE MUNICIPAL DISTRICT OF PEACE NO. 135, WITHIN THE HAMLET OF BROWNVALE.

WHEREAS Section 7(a) of the Municipal Government Act RSA 2000 C M26 provides that a Municipal Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and protection of people and property;

WHEREAS Section 7(f) of the Municipal Government Act RSA 2000 C M26 provides that a Municipal Council may pass bylaws to regulate services provided by or on behalf of the municipality;

WHEREAS Section 7(g) of the Municipal Government Act RSA 2000 C M26 provides that Council may pass bylaws for the regulation of public utilities;

NOW THEREFORE the Municipal Council of the Municipal District of Peace No. 135, duly assembled enacts as follows;

1. TITLE

1.1 This bylaw may be called the "Water and Sewer Bylaw".

2. DEFINITIONS

2.1 "**Approved**" shall mean authorized by the Municipal District of Peace No. 135,

2.2 "**Authorized Employee**" is a person appointed by the MD's Chief Administrative Officer to act on behalf of the MD with regards to the MD's water and sewer and storm drainage systems,

2.3 "**Consumer**" shall mean an owner or occupant requiring the service as the context requires,

2.4 "**MD**" and "**Municipality**" shall mean the Municipal District of Peace No. 135,

2.5 "**Owner**" shall mean the registered owner of a property or the purchaser thereof,

2.6 "**Service Connection**" shall mean all that portion of the pipes, wires or things that provide a public utility situated between the public utility main and the property line of the property to which such utility is supplied,

2.7 "**Sewer**" shall mean the MD's sanitary sewer system, including all mains, treatment and storage facilities,

2.8 "**Utility**" and "**Utility Service**" shall mean and include as the context may require:

- a) the supply of water
- b) the provision of wastewater collection and disposal

3. BILLING

- 3.1 The MD's water and sewer utility rates, charges, penalties and fines shall be fixed as specified in the MD's "Fees and Charges Bylaw", which may be amended from time to time.
- 3.2 Billings, shall be prepared monthly on or before the 10th day of each month for services rendered in the prior month.
- 3.3 Penalties shall be levied monthly against each overdue water and sewer account as specified in the MD's "Fees and Charges Bylaw".

4. USE AND CONTROL OF WATERWORKS, SEWERS AND SEWAGE DISPOSAL WORKS

- 4.1 The use and control of all water, sewer and drainage systems which belong to the MD shall be in accordance with this bylaw and shall be under the management of the Chief Administrative Officer.
- 4.2 The MD does not guarantee the continuous uninterrupted supply of any utility, and reserves the right at any time without notice to shut off such supply where required in the maintenance or operation of the utility and the MD, its officers, employees or agents, shall not be liable for any damages of any kind due to or arising out of a failure to supply a utility.
- 4.3 An owner shall, at the owner's expense, maintain the water and sewer service from the owner's building up to and including the connection with the MD's water and sewer lines.
- 4.4 No person shall alter, operate or remove any portion of the utility services owned by the MD except an authorized agent or employee of the MD. A consumer/owner shall be responsible for all damage to or loss of such property.
- 4.5 No person shall use a utility service in such a way as to cause disturbance or interference to any other user's utility service.
- 4.6 No person shall obstruct or impede access to any service, water main, or any other aspect of the utility services.
- 4.7 No person shall install any type of structure that could interfere with the proper and safe maintenance and operation of the utility service or which could result in damage to the utility service.
- 4.8 No person shall extend a private service from one lot to another without the prior written approval of the MD.
- 4.9 The property owner shall be responsible for the condition and protection of all facilities on the owner's property. The owner shall be liable for any destruction of or damage to the MD's water or wastewater facilities located on the owner's property unless the destruction or damage is caused by the act of an agent or employee of the MD.
 - 4.9.1 The MD of Peace shall not be liable for damages:
 - a) caused by the break or failure of any portion of the utility facilities.
 - b) caused by the shut off or interference of utility services in connection with the repair or proper maintenance of said services.

4.9.2 generally, for any accident or incident due to the operation of the utility services unless such costs or damages have been shown to be directly due to the willful act of the MD's employees.

5. WATER METERS

- 5.1 Each property will be provided with the first meter at no charge.
- 5.2 A utility account shall be set up in the name of the owner of the property.
- 5.3 There shall be a utility account with respect to each meter. Meters shall be read monthly.
- 5.4 If a meter cannot be read on the required month, the water consumption readings shall be an estimated volume based on prior usage for each water utility customer who is affected.
- 5.5 Each customer shall provide adequate protection for the meter against freezing, heat or any other internal or external damage, failing which the customer shall pay all costs associated with the repair of the meter.
- 5.6 If, upon the reading of a meter, it is determined that the meter has failed to record the consumption of the utility supplied then the consumption will be estimated and the account rendered based upon such method as the CAO considers to be fair and equitable.
- 5.7 Where it has been determined by the MD that the meter is not recording the consumption of a utility, the MD, with reasonable notice to the customer, must be allowed to enter the premises to replace/repair the meter.
- 5.8 Where a water meter is found to be damaged or tampered with, the utility charge rate shall be set based on the highest monthly rate of consumption of water used within a prior 12 -month period for that premise. In such a case, the customer forgoes the right to dispute a meter reading.
- 5.9 The fore described rates shall not exempt the user from being charged and/or for paying any fines and penalties which may be imposed for having committed an infraction of this bylaw.
- 5.10 Where a water meter is found to be faulty or mechanically defective, which has not been caused by the user, the monthly rate shall be calculated based on an average of the prior consumption.

6. TAMPERING WITH MUNICIPAL UTILITY SYSTEMS

- 6.1 Unless they have prior written approval from the MD's CAO, no person shall connect with any MD public water pipes or mains. All properly authorized connections must still be inspected by an authorized MD employee prior to backfilling.
- 6.2 No person shall open, close or interfere with any hydrant, valve or curb cock valve connected to the MD's utility system.
- 6.3 No person shall obstruct in any manner the free access to any hydrant or valve or curb cock.
- 6.4 No person shall tamper with any meter or transmission device attached to the MD's utility system.
- 6.5 No person shall change, alter, obstruct or connect to the MD's water service line in such a way as to bypass the water meter, unless authorized by an MD employee in the case of repair.

6.6 No person shall interfere with the free discharge of any MD sewer or operation of same nor do anything which may impede or obstruct the flow of any MD sewer.

6.7 The user found tampering with any part of the municipal utility system may be subject to fines and penalties which may be imposed for having committed an infraction of this bylaw.

7. FIRE DEPARTMENT USE OF UTILITY SERVICES

7.1 The Fire Chiefs of any of the fire departments serving the MD of Peace and its residents, are authorized to use the hydrants for the purpose of filling fire trucks, training exercises and testing fire hoses, but all such uses shall be under the direction and supervision of the said Chief or his duly authorized assistants, and in no event shall any inexperienced or incompetent person be permitted to manipulate or control any such hydrant.

8. WATER SERVICE LINE BREAK SHUT-OFF AND REPAIR POLICY

8.1 When a water service line break occurs between the curb cock and the affected residence, the MD shall shut off the water service at the curb cock.

8.2 The owner and occupant of the affected property will be notified of said shut off and also that the water service shall remain off until such time as the water service line is repaired.

8.3 The MD will evaluate the responsibility for paying the cost of repairs based on the following:

8.3.1 If the break is between the main line and the property line, it shall be the responsibility of the MD to repair.

8.3.2 If the break occurred between the property line and the residence, it shall be the property owner's responsibility to repair.

8.3.3 When a water service line freezes between the curb cock and the residence, the owner is responsible for all thawing of affected waterlines, and all costs for such thawing, including damage to water meter or waterlines due to the freezing.

8.4 When the water service line is excavated and repairs are completed, the water service line connection to the MD line must be inspected by the MD authorized employee, before the contractor backfills the trench.

9. SERVICE DISCONNECTION AND RECONNECTION

9.1 Pursuant to Sections 41 and 42, of the *Municipal Government Act* RSA 2000 C M26 the MD may discontinue service, with 30 days notice, to any account which is overdue by more than 60 days.

9.1 Disconnect fees and reconnect fees as per the MD's "Fees and Charges Bylaw" may be applied and collected before service is re-installed.

9.3 Any customer requesting a temporary disconnect or reconnect for water shall provide a minimum of two (2) **weeks** notice to the MD and shall pay a disconnection and reconnection fee as set out in the MD's "Fees and Charges Bylaw".

9.4 Requests for temporary shut off not made at least two weeks in advance, shall be billed as an emergency shut off/reconnection and emergency rates shall apply.

9.5 Temporary disconnection/reconnection requests not made at least two weeks in advance, may not be accommodated. In which case the MD of Peace shall not be held liable for damage caused as a result.

9.6 Disconnection and reconnections shall not occur on weekends or statutory holidays.

10 TRANSFER TO TAX ROLL

10.1 Pursuant to Section 553(1) of *Municipal Government Act*, RSA 2000, Chapter M-26, outstanding water and sewer charges, incurred by an owner of a parcel, will be added to the tax roll for said parcel.

10.2 On November 30th and March 31st of each year, all overdue water and sewer charges (including all penalties levied for unpaid water and sewer accounts) will be transferred to the properties tax roll.

11 FINES AND PENALTIES FOR INFRACTION OF THIS BYLAW

11.1 A person who interrupts, hinders, assaults or molests any person engaged under the authority of a municipality in making an examination for or in constructing, maintaining, or repairing any public water or sewer works or any works connected therewith on any land is guilty of an offense and liable to a fine as outlined in the MD's "Fees & Charges Bylaw".

12. MISCELLANEOUS

12.1 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

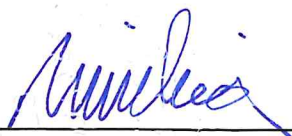
12.2 Bylaw No. 16/2018 is hereby repealed.

Read a first time on this 13th day of June, 2023.

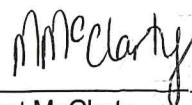
Read a second time on this 13th day of June, 2023.

Given UNANIMOUS consent to go to third reading on this 13th day of June, 2023

READ a third and final time on this 13th day of June, 2023.



Robert Willing,
Reeve



Margaret McClarty,
Chief Administrative Officer