

## TOWN OF MUNDARE

### BYLAW NO 863/15

The council of the Town of Mundare, duly assembled, hereby enacts

1. This bylaw may be cited as the "Utility Bylaw"

#### DEFINITIONS

2. In this bylaw:
  - a. "by-law Enforcement Officer" means any persons authorized by the Town to enforce the By-laws of the Town;
  - b. "cc" means a service control cock or a service corporation cock of a service control valve;
  - c. "commercial facilities" includes stores, warehouses, commercial, industrial and institutional facilities;
  - d. "foreman" means the public works foreman;
  - e. "owner" means the person who is registered under the Land Titles Act, RSA 2000 c. L-4, as the owner of the fee simple estate in land;
  - f. "utility bill" means a bill which sets out the fees levied by the Town on an annual, monthly, bi-monthly or quarterly basis for utility services provided by the town;
  - g. "utility invoice" means a invoice which sets out the cost charged by the Town for repairs, maintenance, or installation of any appurtenance of any utility service provided by the Town and for which the owner of a property is responsible for;
3. All charges, costs, offenses, fees, penalties referenced in this bylaw shall be set by council in a separate bylaw.

#### WATER SERVICES

4. The developer is responsible for providing water services to a parcel/s of land.
5. Despite section 4, the Town may provide water services to a parcel of land on the request of the developer, when it is able to do so and subject to any terms, costs or charges as established by Council.
6. Despite sections 4 & 5, the Town may agree to pay all or part of the cost of providing water services to a property.

7. The water meter shall become part of the fixtures of the structure. Damage to the meter caused by the occupant shall be chargeable to the owner.
8. All owners shall provide for a convenient outside location for the installation of a remote reading device.
9. No person shall obstruct, interfere with or impede with direct and convenient access to a meter or remote reading device for the purpose of installation, inspection, removal, repair, replacement or reading.
10. No person shall tamper or disable a water meter or a remote reading device.
11. No person shall bypass a water meter to obtain free water.
12. The CAO or the Foreman or their designate may, without notice, shut off the water supply to any part of the Town should he decide an emergency makes such action necessary.
13. The CAO or Foreman or their designate may shut off the water supply to any part of the Town in a non-emergency situation provided reasonable notice of such intended shutoff is given.
14. The CAO or the Foreman or their designate may restrict the use of or regulate the hours or times during which water may be used for any purpose other than firefighting.
15. After notification of a restriction or regulation of water use, it shall be an offence for anyone to use water except in conformity with the declared restriction or regulation.
16. The location of a cc for a property does not indicate the location of the water service line or the direction in which it follows.
17. The Town is not liable for damage caused by:
  - i. a break in a water main or service pipe;
  - ii. the cessation of water supply necessary in connection with the repair or maintenance of the waterworks system;
  - iii. any accident due to the operation of the waterworks system;
  - iv. the restriction or regulation of the use of water.
  - v. Any damage caused to a water service line when the location of the service line is determined from the location of the cc.

18.
  - a. No person other than Town employees or agents shall operate, handle or interfere with the Town's provision of water services;
  - b. No person other than Town employees or agents shall make, keep, use, or dispose for any key or wrench for the purpose of operating any valve, cc, hydrant or other appurtenance of the Town's waterworks system.
  - c. No person shall obstruct or impede access to any water main, valve, cc, fire hydrant or any other appurtenance of the Town's waterworks system
19. The owner of a parcel of land is responsible for repairs to a water service line from the cc or property line to the building whichever is further from the building.

### **SEWER SERVICES**

20. The developer is responsible for providing sewer services to a parcel/s of land.
21. Despite section 20, the Town may provide sewer services to a parcel of land on the request of the developer, when it is able to do so and subject to any terms, costs or charges as established by Council.
22. Despite sections 20 & 21, the Town may agree to pay all or part of the cost of providing sewer services to a property.
23. The location of a cc for a property does not indicate the location of the sewer service line or the direction in which it follows.
24. The Town is not liable for damage caused by:
  - i. a break or obstruction in a sewer main or service pipe;
  - ii. the cessation of sewer services necessary in connection with the repair or maintenance of the sewer system;
  - iii. any accident due to the operation of the sewer system;
  - iv. sewer backups;
  - v. Any damage caused to a sewer service line when the location of the service line is determined from the location of the cc.
25.
  - a. No person other than Town employees or agents shall operate, handle or interfere with the Town's provision of sewer services;
  - b. No person shall obstruct or impede access to any sewer main, or any other appurtenance of the Town's sewer system

26. The owner of a parcel of land is responsible for the repairs to a sewer service line from the property line to the building.

#### UTILITY BILLS/INVOICES

27. Council may, by resolution, determine the frequency that utility bills will be prepared.
28. All utility bills and utility invoices will be due and payable when rendered by the Town.
29. a. Payment of a utility bill can be made at the Town office or an agent of the Town;  
b. Payment of a utility invoice must be made at the Town office.
30. a. Utility bills must be paid in full by the date determined by the CAO or his designate;  
b. Utility invoices must be paid within thirty days of mailing.
31. If a utility bill or utility invoice remains unpaid after the date fixed for payment, a penalty will be added to the outstanding amount form part of the rates levied.
32. If a utility bill or utility invoice remains unpaid thirty (30) days after the date fixed for payment, a written notice may be mailed to the owner at the last known address advising that unless the account is paid in full within a minimum of ten (10) days of the mailing date of the notice, the Town will proceed with collection measures as provided in Section 35.
33. Any utility bill or utility invoice remaining unpaid constitutes a debt owing to the Town and is recoverable by any or all of the following methods, namely:
- i. by action in any court of competent jurisdiction;
  - ii. by distress and sale of the goods and chattels of the owner, wherever they may be found;
  - iii. by shutting off or discontinuing any utility services provided by the Town;
  - iii. by being added to the tax roll and collected like municipal taxes.
34. If water service is shut off due to non-payment, a reconnection fee will be charged and payable in advance of the reconnection of the water service. Reconnection shall only occur during regular office hours.
35. The CAO or his designate is authorized to add any outstanding utility amounts or utility invoices to taxes and has the power to waive penalties and reconnection fees if deemed

necessary to do so.

36. The CAO is authorized to determine the type and frequency of collection measures used.

### **OFFENSES AND PENALTIES**

37. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to a fine as set by council.
38. Despite section 37, any person who commits a second or subsequent offence under this bylaw within one (1) year of committing the first offence is liable to a fine.
39. In addition to any other remedy for non-compliance with this bylaw, the Town may correct the violation and the costs incurred shall be paid to the Town and failing payment, the Town may add the costs to the taxes.
40. The bylaw enforcement officer is hereby authorized to issue a violation ticket to a person who the bylaw enforcement officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
41. A violation ticket may be issued to such person:
- i. either personally; or
  - ii. by mailing a copy to last known mailing address.
42. Where a contravention of this bylaw is of a continuing nature, further violation tickets may be issued by the bylaw enforcement officer provided, however, that no more than one violation ticket will be issued for each day that the contravention continues.
43. A person who has received a violation ticket may, in lieu of prosecution, pay to the Town the specified penalty.

### **GENERAL**

44. Nothing in this bylaw will operate to relieve any person from complying with any Federal, Provincial or other Town law, order, regulation or bylaw.
45. Nothing in this bylaw will be construed as curtailing or abridging the right of the Town to obtain compensation for or to maintain an action for loss of or damage to property from or against the person or persons responsible.
46. Should any provision of this bylaw be deemed invalid, then such invalid provision may be severed and the remaining bylaw shall be maintained.
47. That bylaw 767/06 as amended is repealed.

READ a first time on February 17, 2015.

READ a second time on February 17, 2015.

READ a third time on February 17, 2015.

Feb 20, 2015  
Date

Feb 23/15  
Date

C. J. Gaudin  
Mayor

[Signature]  
Mayor