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AMENDMENT OF BYLAW – 689-08 Utility

Adopted December 9, 2008

AMENDED BY – 942-19

Adopted April 23, 2019

AMENDED BY – 981-20

Adopted April 20, 2020

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**This document is consolidated into a single publication for the convenience of users. The official bylaw and all amendments thereto are available from the Legal and Legislative Services Department and should be consulted in interpreting and applying this Bylaw. In the case of any dispute, the original Bylaw and amendments must be consulted.**

# CITY OF BEAUMONT

## Bylaw Number 689-08

A BYLAW OF THE CITY OF BEAUMONT, IN THE PROVINCE OF ALBERTA,  
TO SET FORTH THE TERMS AND CONDITIONS FOR THE SUPPLY OF  
WATER AND WASTE WATER SERVICES IN THE CITY OF BEAUMONT

**WHEREAS** the *Municipal Government Act*, R.S.A 2000, c. M-26, as amended (“MGA”), including ss. 7 and 8, and Part 3, Division 3 thereof, provides that a Council may pass bylaws for the purpose of operating a public utility, subject to any terms, costs or charges which may be established by Council;

**AND WHEREAS** the City of Beaumont owns and operates a water distribution system and a wastewater collection system which are operated as public utilities (the “Utilities”) for the benefit of its residents;

**AND WHEREAS** s. 33 of the MGA provides that a Council may, by bylaw, prohibit any Person other than the municipality from providing the same or a similar type of utility service in all or part of the municipality;

**AND WHEREAS** the Council of the City deems it necessary and desirable to establish a Utility Services Bylaw to govern the management and operations of the Utilities;

**NOW THEREFORE** the Council of the City of Beaumont in the Province of Alberta, duly assembled, enacts as follows:

### 1. General

1.1 This Bylaw may be cited as, “The Utility Services Bylaw”.

1.2 Utility Services provided by the City to a User shall be provided pursuant to the terms, conditions and provisions of this Utility Services Bylaw, the contents of which shall be binding upon and form part of an agreement between the City and the User for the provision of Utility Services.

### 2. Definitions

2.1 In this Bylaw each of the following words or terms will have the following meaning unless expressly stated otherwise:

a) “**Application**” means the Application made by a Person to the City for the supply of Water and Wastewater Services. The said Application, when accepted by the City, shall form a binding contract between the User and the City, by which the parties agree to be bound by the provisions of this bylaw.

b) “**CC**” means Service Curb Cock.

- c) **“Council”** means the Municipal Council of the City of Beaumont in the Province of Alberta.
- d) **“City”** means the municipal corporation of the City of Beaumont or the geographical area contained within the boundaries thereof, as the context requires.
- e) **“City Service Pipe”** means:
  - i. that portion of a Service Connection that extends from the Water Main to the property line of a parcel that receives, or is to receive, Water Services; or
  - ii. that portion of a Service Connection that extends from the Wastewater Main to the property line of a parcel that receives, or is to receive, Wastewater Services;
- f) **“Due Date”** means fifteen (15) DAYS following the mailing date of a Utility Bill.
- g) **“Emergency”** means an act of God, a condition over which the User or the City has no control, a condition which creates an imminent danger or a real possibility of Property damage, or personal injury, or when a condition or situation is declared to be an Emergency by Council, or the Federal or Provincial Crown, or other civil authority having jurisdiction.
- h) **“Engineering Standards”** are the City’s General Design Standards, or in the absence of such standards, generally accepted municipal engineering standards.
- i) **“Fees and Charges”** means the rates, fees and charges applicable to Utility Services, as set out in the Schedule of Fees and Charges.
- j) **“General Manager”** means the Chief Administrative Officer of the City of Beaumont or his designate.
- k) **“Improvement”** means an Improvement as defined by Part 9 of the MGA, including a structure or a building.
- l) **“Meter”** means devices and all other equipment and instruments, including but not limited to, water Meters, radio frequency units and Remote Readers supplied and used by the City or authorized by the City to be used to calculate the amount of water consumed on the Property upon which such devices are situated.
- m) **“Owner”** means the Person who is registered under the Land Titles Act as an Owner of a parcel of land, or in the case of Property other than land and the Improvements thereon, any Person who is in legal possession thereof.
- n) **“Peace Officer”** means a Special Constable or Bylaw Enforcement Officer, employed or appointed by the City, a Police Officer, or a Peace Officer within the meaning of the *Peace Officer Act*, S.A., 2006, c. P-35, as amended.

- o) **“Person”** includes a partnership, a firm, a body corporate, and the successors, heirs, executors, administrators or other legal representatives of a Person to whom the context can apply according to law.
- p) **“Private Service” or “Private Service Pipe”** means:
  - i) that portion of a Service Connection that extends from the property line to a building or other place on a parcel of land that receives, or is to receive, Water Services, comprised of the assembly of pipes, fittings, fixtures, traps and appurtenances used to provide water; or
  - ii) that portion of a Service Connection that extends from the property line to a building or other place on a parcel of land that receives, or is to receive, Wastewater Services, comprised of the assembly of pipes, fittings, fixtures, traps and appurtenances for the collection and transmission of wastewater into the wastewater system;
- q) **“Property”** means a parcel of land or an Improvement or a parcel of land and the Improvement to it, as the context requires, whether the Improvement is occupied or unoccupied.
- r) **“Rates”** means the tariff or charges for the supply of Water and Wastewater Services set out in the Schedule of Fees and Charges.
- s) **“Remote Reader”** means that device attached to the outside of an Improvement enabling the City to read water consumption without entering the Improvement.
- t) **“Schedule of Fees and Charges”** means the 2018 Fees and Charges Bylaw, as amended, or repealed and replaced, from time to time, and shall, for greater certainty, refer to the most recent City bylaw that establishes rates, fees and charges applicable to Wastewater Services, regardless of the name of that bylaw.
- u) **“Service Connection”** means all of the infrastructure, pipes, fittings, fixtures, traps and appurtenances required to achieve a physical connection between:
  - i) the City’s Water Main and the building or other place on a parcel of land to which Water Services are provided, to allow a User to receive water, which includes a Private Service and City Service Pipe; or
  - ii) the City’s Wastewater Main and the building or other place on a parcel of land to which Wastewater Services are provided, to allow a User to discharge wastewater into the wastewater system, which includes a Private Service and City Service Pipe;
- v) **“Tenant”** means a Person who is not an Owner but who is in legal possession of a Property to which a Utility Service is provided, but who is not the Owner thereof.

- w) **“City”** means the corporation of the City of Beaumont and its duly authorized representatives.
- x) **“Turn Off”** means a discontinuance of the Water Supply to a Property.
- y) **“User”** means any Person receiving Wastewater Services, including without limiting the generality of the foregoing, any Person who discharges any Matter, including wastewater, into the wastewater system, and where the context or circumstances so require, also includes any Person:
  - i) who has made an application for Wastewater Services or otherwise seeks to receive Wastewater Services;
  - ii) who is named on an account, contract or agreement for the supply of Wastewater Services by the City or its authorized representatives;
  - iii) who is the Owner or occupant of a Property for which an application for Wastewater Services has been made, which has been connected to the wastewater system or which receives Wastewater Services; or
  - iv) who acts as agent or representative of a User.
- z) **“Utility Bill”** means a document issued by the City which sets out charges for Water and Wastewater Services provided to the User, and which may include charges, arrears and late payment charges as set out in the Schedule of Fees and Charges. Utility Bills are intended to be issued six (6) times per year, every second month. Utility Bills constitute an invoice for services rendered, and the charges referred to therein constitute a debt due to the City.
- aa) **“Utility Services”** means Water and Wastewater Services supplied by the City.
- bb) **“Utility Services Guidelines”** means those guidelines, procedures, protocols, requirements, specifications or standards, not inconsistent with this Bylaw, that are adopted by the General Manager, from time to time, pursuant to Section 8.1.1 of this Bylaw.
- cc) **“Utility System”** means the water distribution system, wastewater system and all accessories and appurtenances thereof owned or operated by the City as a public utility.
- dd) **“Wastewater Services”** includes the collection, transmission, treatment and disposal of wastewater, as applicable, and associated services offered to a User under this Bylaw.

- ee) **“Water Main”** and **“Wastewater Main”** means those pipes installed for the conveyance of water or the collection of wastewater throughout the City to which City Service Pipes may be connected.
- ff) **“Water Services”** means the provision of water to Property within the City by means of pipes and related equipment and systems, but does not include the provision of bottled or self-contained drinking water in units of ten (10) gallons or less, or the provision of bulk water for irrigation purposes.
- gg) **“Water Supply”** means the provision of water to a User’s Property.
- hh) **“Working Day”** means that portion of the day between 8:30 a.m. and 4:30 p.m. from Monday to Friday inclusive, except for statutory holidays and other holidays approved by Council.

### 3. **Connections – General**

- 3.1 All Persons wishing to obtain Water Services and Wastewater Services from the City must submit an Application for Utility Services prior to the affected Property being occupied or otherwise put into use or the Utility Services being connected. Such Application shall be made not less than three (3) Working Days prior to the date the Utility Services are required. Upon submission of the Application for Utility Services, a non-refundable water/wastewater connection fee as set out in the Schedule of Fees and Charges will be charged. The City may refuse to supply Utility Services if the prospective user does not pay the connection fee, or has any outstanding accounts with the City.
- 3.2 Every Person who is granted Utility Services pursuant to sections 3.1 or 3.3 of this Bylaw, or otherwise receives Utility Services, shall pay to the City the monthly service charges and consumption rates as set out in the Schedule of Fees and Charges.
- 3.3 All Utility Services provided by the City shall be provided in accordance with this Bylaw, and this Bylaw shall be applicable and binding upon all persons receiving Utility Services from the City, including the Owner of any Property connected to or receiving Utility Services from the City. Upon the change of ownership of a Property, the new Owner shall make a new application for Utility Services to the City, failing which, the City may deem an application for Utility Services to have been received from a new Owner of a Property.

Upon any change in ownership of a Property a new Application for Utility Services is required.

- 3.4 Except as provided under this Bylaw, the City shall not grant Utility Services to a Tenant of any Property.
- 3.5 The Owner of a Property, and not a Tenant, shall be responsible for making an Application for Utility Services with the City. However, to allow for transition, a Tenant whose account is in good standing at the time this Bylaw comes into effect may continue to receive Utility Services until such a time as the Tenant closes the account, or alternatively, the Utility Services are discontinued for any reason.

- 3.6 Notwithstanding section 3.5 above, the Owner of a Property where Utility Services are received shall be responsible for all Utility Services delivered or consumed and all charges levied for Utility Services delivered to a Property, whether the delivery of Utility Services was measured by way of a Meter or metering device, or whether delivered or consumed by accidental or illegal means.
- 3.7 Notwithstanding section 3.5 above, an Owner may make an Application in a form prescribed in Schedule "A" attached hereto, to have Utility Bills mailed to the Occupant at a Property under the Owner's name.
- 3.8 All Users wishing to final Utility Services shall advise the City, in writing, providing at least four (4) Working days notice prior to final date, however, all fees and charges shall continue to apply until a new application is received.
- 3.9 All Properties receiving Utility Services shall have a Meter installed to calculate the amount of water consumed on that Property. The Meter must be approved by and installed to the satisfaction of the City.
- 3.10 All Meters shall be owned, supplied and maintained by the City, except as herein provided.
- 3.11 The City, as a condition of providing Utility Services, may inspect the Property of a User or potential User who applies to the City for Utility Services.
- 3.12 No Person shall uncover, alter, disturb or make use of connections with or openings into, any wastewater system or appurtenances thereof without prior written authorization from the General Manager.
- 3.13 In the event that a connection to the wastewater system is abandoned or discontinued within a Property, the Owner of the Property, at his expense, shall effectively cap the Service Connection at a suitable location within the Property in order to prevent wastewater, stormwater, soil, dirt or debris from being washed or backed up into the City's Service Pipes, Wastewater Mains, or Utility System.

#### **4 Connections - New Developments**

- 4.1 A Person developing a Property who wishes to receive Utility Services shall pay to the City a construction water use fee and a water Meter installation fee as set out in the Schedule of Fees and Charges. Payment for these fees shall be made at the time of application for the required building permit. The General Manager may require construction water use to be metered and billed in accordance with the Schedule of Fees and Charges.
- 4.2 A Person developing a Property requiring connection to the Utility Services shall provide and install all necessary wiring for the installation of a Meter and a Remote Reader in locations that provide unobstructed access to designated City employees for the purpose of the installation, removal, inspection, repair, monitoring and checking of the Meter and Remote Reader, as well as the City's Service Pipe(s).
- 4.3 Meters of less than 2.54 centimeters (one (1") inch) will be installed by the City at the expense of the Owner of the Property, or his general contractor. It is the responsibility of

the Owner or his general contractor to notify the City to install the Meter and Remote Reader.

- 4.4 Meters of more than 2.54 centimeters (one (1”) inch) will be installed by the Owner’s general contractor at their expense.
- 4.5 All Persons doing any work or service upon a Private Service or the plumbing system attached thereto shall comply with all Legislation, Laws, Codes, Acts, Regulations and Bylaws in force at the time as well as any requirements set out in the Engineering Standards or Utility Services Guidelines
- 4.6 Unless the General Manager otherwise approves, no Person shall have, construct or maintain more than one Private Service to any Property.
- 4.7 When, for any reason, temporary Water Service is required, the Persons shall pay in advance the whole cost of its construction, together with the cost of abandoning it when no longer needed. Application for such service construction shall be made as per sections 3.1 and 4.1 above. If, in the opinion of the General Manager a Meter should be installed on a temporary service, the applicant shall provide a safe and adequate Meter setting in a location to be approved by the City, and shall be responsible for the protection of the whole installation while his account is open for service.
- 4.8 A Property shall be approved for occupancy by the Building Inspector only after the Meter, with proper Remote Reader wiring, is in place.
- 4.9 A Person who wishes to connect any piping to the City’s Utility System must apply to the City for approval. Such an application must include:
  - a) Construction drawings identifying the proposed connection, associated piping, fittings and installations, and any other information required by or set out in the Engineering Standards or Utility Services Guidelines;
  - b) Payment of any off-site levies or any other outstanding amounts in relation to the Property that are due to the City; and
  - c) Payment of any amounts due under development agreements in relation to the Property.
- 4.16 Basins on private Property shall be maintained by the Owner of the Property at the Owner’s sole cost and expense.
- 4.17 All Applications for development and all development, construction or installations contemplated under this Bylaw shall comply with the provisions of the *Safety Codes Act* R.S.A 2000, c. S-1 (“SCA”) and regulations made thereunder and the City’s Engineering Standards and Utility Services Guidelines.
- 4.18 A Person other than the City or their authorized representatives may only operate a CC with the written consent of the General Manager or his designate and for the purpose of testing a Private Service Pipe or replacing or renewing of a master covered valve. After completion of the testing, the Person shall immediately close the CC. A Person shall not



operate valves of 40mm or larger in size for any purpose.

## 5 Service and Servicing

- 5.1 The City is hereby authorized to supply Water Services and Wastewater Services within the boundaries of City pursuant to the terms of this Bylaw and subject to such economic or other restraints as Council, in their discretion, may deem appropriate.
- 5.2 The City shall be the sole provider of Water Services and Wastewater Services to land and Properties within the City, unless Council, in its discretion, authorizes the City to enter into an express written agreement to the contrary. No other Person shall provide Water Services and Wastewater Services within the City unless Council, in its discretion, expressly so authorizes.
- 5.3 No Person shall use, within the City, a source of water other than Water Services without the written consent of the General Manager. However nothing contained in this paragraph shall prevent a Person from purchasing bottled or self-contained drinking water in units of 45.4 liters (ten (10) gallons) or less, or bulk water for irrigation purposes, or require the General Manager's consent therefor. No Person who has been granted permission to use an alternate source of Water Supply shall allow the alternate Water Supply to be connected to the Utility Services.
- 5.4 The City is hereby authorized to repair damage and carry out maintenance to the Utility Services, except as otherwise provided under this Bylaw.
- 5.5 A User shall:
  - a) Allow access to a Property by the City or the City's employees, agents or contractors charged with the installation, removal, inspection, repair, checking, monitoring, reading or maintaining a Meter, a Remote Reader, or any service piping connected to or drawing water from the Utility System.
  - b) Be responsible for the repair and maintenance of any Private Service Pipe. The City is not responsible for any damage resulting from the failure of any piping beyond the City's Service Pipes.
  - c) The User shall continue to provide a suitable place on their Property for a Meter, where access is not obstructed.
- 5.6 In the event that access to the Meter is obstructed due to alterations made to a Property, the City may require the Meter to be relocated to a location that provides unobstructed access. All costs, including City costs associated with relocation of the Meter, shall be born by the Owner of the Property.
- 5.7 Meters shall be read at the discretion of the General Manager. If a Meter reader cannot enter the premises to read the Meter, they may leave a card with instructions requesting the User to notify the City with the Meter reading as soon as possible.
- 5.8 No Person shall do, cause to be done, or permit to be done, any act which may obstruct or impede direct, safe and convenient access to a Meter.

- 5.9 A User shall be responsible for the safekeeping of the Meter located at a Property. Users shall comply with all directions of the City to prevent Meter damage due to frost, heat or other causes, and shall refrain from taking any action that causes Meter damage due to frost, heat or other causes, and shall promptly notify the City of any condition or event that may cause Meter damage. Damage resulting from extremes in temperature or damage from neglect of the User, will be charged to the User.
- 5.10 The City's employees, agents or other representatives shall have the right to enter a User's Property at all reasonable times to install, maintain, inspect, replace, test, monitor, read, or remove the City's Property, respond to a User's complaint or query, conduct an inspection relating to concerns with unauthorized use of water or the wastewater system, or tampering with the Utility System, or for any other purpose incidental to the provision of Utility Services. A User shall not hinder or prevent the City's entry.
- 5.11 Except in the case of an Emergency, where entry is permitted by an Order of the Court, or where otherwise legally empowered to enter, before entering a User's Property, the City will make reasonable effort to give notice of entry to the User or other responsible Person who is at the Property and who appears to have sufficient authority to permit entry.
- 5.12 A User shall be responsible to thaw out frozen Private Service Pipes. The City may provide this service at the User's expense.
- 5.13 When a Private Service Pipe passes through an excavation, an area of backfill, through a basement wall, finished or unfinished, or through a retaining wall, the City shall not be responsible for any damages due to displacement, settlement or any cause due to the Owner's operations whether damage occurs during building construction or afterwards.
- 5.14 No Person shall take water from a City fire hydrant, except with City approval, which approval may be subject to such conditions that the City, in its discretion, deems appropriate. Any un-metered water usage from a fire hydrant may be considered unauthorized use of water. Any Person using water from a fire hydrant is required to use a City supplied fire hydrant meter, to use an approved backwater prevention device, to take steps to prevent damage to municipal infrastructure, tools and equipment and to pay any costs promptly provided for in the Schedule of Fees and Charges.
- 5.15 No Person shall do anything to obstruct access to a fire hydrant or to interfere with the operations of a fire hydrant.
- 5.16 Any Person who wishes to install a hydrant on private Property may only do so with the written approval of the City, and at the Owner's expense. The City's approval may be subject to such conditions that the City in its discretion deems appropriate, including the performance of maintenance and inspection of hydrants located on private Property at the Owner's expense.
- 5.17 Any Person who owns Property on which a hydrant is located or Property adjacent to Property on which a hydrant is located, shall maintain a clearance of one and a half (1.5) meters (five (5) feet) around a hydrant and shall not permit anything to be constructed or

erected within that area, or permit anything to interfere with a hydrant. Piling of snow around a hydrant is not allowed.

- 5.18 No Person shall obstruct access to a CC. Any Person obstructing access to a CC shall be responsible for all costs incurred by the City to gain access to the CC, or to clear or remediate the obstruction.
- 5.19 A request by a User for Utility Services to be Turned-Off for his own purposes shall be provided in writing at least four (4) Working Days in advance, and shall be accompanied by payment of the water disconnection fee and a reconnection fee, both as set out in the Schedule of Fees and Charges.

## 6 Restrictions, Prohibitions and Interruption of Service

- 6.1 The City may, in its discretion, Turn-Off Utility Services, in whole or in part, to any User for any reason, including non-payment, provided that in cases of non-payment the City shall give notice of such a Turn-Off to the User.
- 6.2 The City does not guarantee or warrant the continuous supply of Utility Services and the City reserves the right, in case of Emergencies, water shortages, construction or maintenance activities, to change the operating pressure, restrict the availability of Utility Services or to Turn Off Utility Services, in whole or in part, with or without notice.
- 6.3 The City may prohibit, restrict or ration the use of water, as the City deems appropriate, including circumstances of heavy demand, low reserves, maintenance, repairs, fire-fighting or Emergency. However, the City will endeavour to provide twenty four (24) hours notice of such prohibitions, restrictions or rationing, when practical.
- 6.4 Users depending upon a continuous and uninterrupted supply or pressure of water or who require or have processes or equipment that require particularly clear or pure water shall provide such facilities, as they are considered necessary, to ensure a continuous and uninterrupted supply, pressure or quality of water required for this use. The City will not be responsible therefor.
- 6.5 The City shall not be liable for damages, including losses caused by a break within the City's Water System or caused by the interference or cessation of Water Supply including those necessary or advisable regarding the repair or proper maintenance of the City's Water System, or generally for any accident due to the operation of the City's Water System or for the Turning Off of water nor by reason of the water containing sediments, deposits, or other foreign matter.
- 6.6 The City may, with the permission of the User, inspect the Property of the User in order to do any tests on Private Service Pipes so as to determine compliance with this Bylaw. In the event that the User fails or refuses to give such permission, the supply of water to that User may be subject to a Turn-Off.
- 6.7 No Person shall attempt to obtain Utility Services from the Utility System, by, from or through a bypass or bypasses of a Meter, or otherwise, in any fraudulent manner.

- 6.8 A User shall not damage or tamper with a water seal, a Remote Reader, or a Meter, for any purpose, including the alteration of any readings shown thereon.
- 6.9 No User shall vend, sell, supply, dispose of, or give away water from the Utility System or permit the same to be taken or carried away from a Property, unless approved by the General Manager in writing.

## 8. Administration

- 8.1 The current Fees and Charges applicable to Water Services and Wastewater Services provided pursuant to this Bylaw are as set out in the Schedule of Fees and Charges, which may be amended, from time to time.

8.1.1 The General Manager may adopt, amend, repeal and replace Utility Services Guidelines, from time to time, which Utility Services Guidelines may, without limiting the generality of the foregoing, establish procedures or requirements that must be complied with before a Service Connection is installed or activated, before Utility Services are provided, or as a condition of the ongoing provision of Utility Services, including, without restriction, specifications for the construction of any portion of a Service Connection, including a Private Service Pipe.

- 8.2 Utility Bills are intended to be issued on a bi-monthly basis unless the City determines that another billing frequency is necessary or desirable.
- 8.3 The amount of the billing shall be based upon the Fees and Charges, or other Rates described herein, with water consumption being determined by the applicable Meter reading obtained on a bi-monthly basis. Where a Meter reading is not obtainable, at the discretion of the City, a system-generated estimate may be used.
- 8.4 An actual Meter reading shall be required at least once in each calendar year for each Property receiving Utility Services.
- 8.5 If there is a discrepancy between an inside Meter reading and the Remote Reader for the same Property, the inside Meter reading will be deemed to be accurate, subject to the further provisions of this Bylaw.
- 8.6 In the event that the City disputes the accuracy of a Meter, a written notice shall be given to the User. In the event that a User disputes the accuracy of a Meter, the User shall present the City with written notice accompanied by a payment of the water Meter test fee in accordance with the Schedule of Fees and Charges. At a time determined by the parties, the Meter situated on the Property of the User shall be tested or calibrated by a proper official delegated by the City. In the event that the said Meter is found to be accurate within 97% to 103% of the water passing through the same, the expense of such test or calibration shall be borne by the party giving such notice. In the event that the said Meter is found not to be accurate within the aforesaid limits, the Meter shall be repaired or replaced as soon as is practical and the expense of so doing shall be borne by

the City. In that event, the City shall also return the water Meter test fee and adjust the water charges for a maximum of two (2) billing cycles.

- 8.7 Payment on account may be made to the City at such locations designated and under any payment method utilized by the City from time to time. Payments must be received on or before the Due Date noted on the Utility Bill, unless otherwise approved by Council. A Utility Bill shall be deemed sufficiently mailed if mailed by ordinary mail to the municipal address of the Owner, User, or the Property receiving the Utility Services, as the case may be. In the event of non-payment:
- a) A Utility Bill not paid by the Due Date will be considered to be in arrears and subject to late penalty charges, the rate for which is set out in the Schedule of Fees and Charges;
  - b) The City reserves the right to discontinue providing Utility Services where Utility Bills are in arrears. Upon disconnection, any outstanding utility account balance along with a reconnection service fee as set out in the Schedule of Fees and Charges must be paid in full prior to the City re-establishing the Utility Service connection.
  - c) A sum payable, by the Owner of a Property, for the Utility Services supplied by the City and all Rates, costs and charges imposed or loans made to him under any Bylaw or resolution passed by the Council are a preferential lien and charge on the Property and on the personal Property of the debtor and may be levied and collected in a manner as municipal Rates and taxes are recoverable.
  - d) At the discretion of the City and as provided for under Section 553 of the MGA, or its successor, an outstanding utility account balance may be transferred to the Property tax account of an Owner of a Property.
  - d) In the event of default in payment of any Utility Bill, the City may, in addition to any other remedy available to the City, enforce payment by action in a Court of competent jurisdiction.
  - e) An administrative fee as set out in the Schedule of Fees and Charges will be levied in the event that a transfer of a utility account balance to the Property tax account is deemed necessary.
  - f) A transfer of a utility account balance may be deemed necessary if the account remains in arrears for a period exceeding 120 days.
- 8.8 If a User neglects or refuses to comply with a notice to repair within sixty (60) days of receipt thereof, the City may make or cause to be made repairs at the expense of the said User.

- 8.9 No reduction in Rates will be made in the monthly charge for Water and Wastewater Service available to any User because of any interruption by any cause whatsoever of the Water Supply.
- 8.10 The City Council hereby delegates to the General Manager all those powers stipulated by this Bylaw to be exercised by the City and all necessary authority to exercise those powers, excluding thereout, the power to set utility Rates or enact bylaws, or do anything else reserved exclusively for Council pursuant to the provisions of the MGA.

9. **Offences and Penalties**

- 9.1 Any Person who violates, contravenes or breaches any provision or requirement of this Bylaw is guilty of an offence.
- 9.2 Any Peace Officer is hereby authorized to issue a municipal violation tag, or a violation ticket pursuant to the provisions of Part 2 or Part 3 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34 (“POPA”), or the regulations thereunder, in regard to this Bylaw.
- 9.3 A municipal violation tag may only be issued for those offences for which a specified penalty is prescribed by this Bylaw. The municipal violation tag shall state the specified penalty prescribed, and set out the voluntary payment option available therefor.
- 9.4 Where a municipal violation tag is issued pursuant to the terms of this Bylaw, the Person to whom the municipal violation tag is issued may plead guilty to the offence by signing the municipal violation tag in the space provided thereon, and in lieu of being prosecuted for the offence in Court, may deliver the signed municipal violation tag, and a voluntary payment in an amount equal to the specified penalty for the offence, to the City, in the manner specified on the municipal violation tag.
- 9.5 In those cases where a municipal violation tag has been issued and the specified penalty provided for therein has not been paid within the prescribed time, any Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to either Part 2 or Part 3 of POPA, as amended.
- 9.6 A violation ticket issued pursuant to the provisions of POPA, shall be served in the manner described in POPA. A municipal violation tag shall be served in any manner described by either Part 2 or Part 3 of POPA.
- 9.7 Nothing contained in this Bylaw shall prevent or prohibit the immediate issuance of a violation ticket pursuant to either Part 2 or Part 3 of POPA. Without restricting the generality of the foregoing, it is not mandatory to issue a municipal violation tag, prior to issuing a violation ticket pursuant to the provisions of POPA.
- 9.8 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues, and a Person found guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each day upon which the offence occurs.

- 9.9 For the purpose of this Bylaw, an act or omission by an employee, acting in the course of their employment, is deemed to be an act or omission of their employer.
- 9.10 For the purpose of this Bylaw, an act or omission by an agent, acting in the course of their agency, is deemed to be an act or omission of the agent's principal.
- 9.11 When a corporation commits an offence under this Bylaw, every director, officer, manager, employee, or agent of the corporation, who authorized, assented to, acquiesced in, or participated in the offence, act, or omission, that constitutes an offence under this Bylaw, is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 9.12 A person who is guilty of an offence pursuant to this Bylaw is liable to pay a fine in an amount which is not to be less than FIVE HUNDRED (\$500.00) DOLLARS, and not more than TEN THOUSAND (\$10,000.00) DOLLARS, or to imprisonment of not more than SIX (6) MONTHS, for non-payment of a fine.
- 9.13 In addition, specified penalties as set out in Schedule "D" attached hereto, are hereby established regarding the offences set out in Schedule "D", which forms part of this Bylaw.
- 9.14 Notwithstanding the specified penalties provided for in Schedule "D" attached hereto, a Judge of the Provincial Court of Alberta, or any other Court, may increase the penalties provided for in Schedule "D", where the Court deems it appropriate to do so, having regard, among other things, to the gravity or consequences of the offence, or whether the offence has been repeated.
- 9.15 Voluntary payments, where allowed, for any offence not specified in Schedule "D", shall be as follows:
- a) For a first offence, a specified penalty in the sum of THREE HUNDRED (\$300.00) DOLLARS;
  - b) For a second offence, a specified penalty in the sum of ONE THOUSAND (\$1,000.00) DOLLARS; and
  - c) For a third or subsequent offence, a specified penalty in the sum of ONE THOUSAND FIVE HUNDRED (\$1,500.00) DOLLARS.
- 9.16 Notwithstanding s. 9 hereof, nothing contained herein shall restrict the City from pursuing such further or other remedies as may be prescribed by law related to those matters set out in this Bylaw.
- 9.17 Upon third reading of this Bylaw, Bylaw #382 is repealed.

Read a first time in Council this 25<sup>th</sup> day of November, 2008.

Read a second time in Council this 9<sup>th</sup> day of December, 2008.

Read a third and final time in Council this 9<sup>th</sup> day of December, 2008.

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Mayor

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Municipal Clerk



**Schedule "A"**

**To: City of Beaumont**

Re: Utility Account Number: \_\_\_\_\_  
Civic Address: \_\_\_\_\_

We/I, the undersigned registered Owner(s) of the above noted Property hereby request that all Utility Bills issued for the said Property be forwarded in my (our) name in care of the following mailing address:

\_\_\_\_\_  
\_\_\_\_\_

We/I fully understand that we are/ I am responsible for the Utility Bills and that non-payment of the Utility Bills will result in the transfer of outstanding balances to our tax account pursuant to City bylaws. We also understand that all Utility Bills, notices and other correspondence relating to this utility account will be sent to the address noted above and that a copy will not be issued to our tax roll mailing address.

\_\_\_\_\_  
Registered Owner (s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Registered Owner (s)

\_\_\_\_\_  
Date

SCHEDULE "D"  
**Specified Penalties**

<b>Offence</b>	<b>Section Number</b>	<b>Specified Penalty</b>
Failure to cap a wastewater Service Connection after abandonment or discontinuance of Wastewater Service	3.13	\$750.00
Failure to provide wiring for a Meter or Remote Reader in locations that provide unobstructed access	4.2	\$ 500.00
Having, constructing, or maintaining more than one Private Service to a Property without the approval of the General Manager	4.6	\$2,500.00
Providing Water Services, or providing Wastewater Services, within the City, without the express approval of Council	5.2	\$2,500.00
Unauthorized use of a source of water, other than Water Services, without the written consent of the General Manager	5.3	\$1,000.00
Unauthorized use or taking of water from a City fire hydrant	5.14	\$ 2,500.00
Obstructing access to a fire hydrant, or interfering with the operation of a fire hydrant	5.15	\$ 2,500.00
Obtaining, or attempting to obtain, Utility Services from the Utility System through the use of a bypass device contrary to s. 6.7 of this Bylaw, or through the use of any fraudulent means	6.7	\$1,000.00
Damaging or tampering with a water seal, a Remote Reader, or a Meter	6.8	\$1,000.00
Unauthorized vending, selling, supplying, disposing of, or giving away water from the Utility System	6.9	\$1,000.00