TOWN OF BEAUMONT

Bylaw Number 689-08

A BYLAW OF THE TOWN OF BEAUMONT, IN THE PROVINCE OF ALBERTA, TO SET FORTH THE TERMS AND CONDITIONS FOR THE SUPPLY OF WATER AND SEWER SERVICES IN THE TOWN 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 Town of Beaumont owns and operates a water distribution system and a sewage 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 Town 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 Town 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 Town 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 Town 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 Town for the supply of Water and Sewer Services. The said Application, when accepted by the Town, shall form a binding contract between the User and the Town, by which the parties agree to be bound by the provisions of this bylaw.
 - b) "Catch Basin" means a receptacle for receiving stormwater and retaining sediment from an exterior area or surface.

- c) "CC" means Service Curb Cock.
- d) "Council" means the Municipal Council of the Town of Beaumont in the Province of Alberta.
- e) "**Due Date**" means fifteen (15) DAYS following the mailing date of a Utility Bill.
- f) "Emergency" means an act of God, a condition over which the User or the Town 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.
- g) "Engineering Standards" are the Town's General Design Standards, or in the absence of such standards, generally accepted municipal engineering standards.
- h) "Fees and Charges" means the Fees and Charges referred to in the Schedule of Fees and Charges approved by Council, from time to time.
- i) "General Manager" means the Chief Administrative Officer of the Town of Beaumont or his designate.
- j) **"Improvement"** means an Improvement as defined by Part 9 of the MGA, including a structure or a building.
- k) "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 Town or authorized by the Town to be used to calculate the amount of water consumed on the Property upon which such devices are situated.
- 1) "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.
- m) "Peace Officer" means a Special Constable or Bylaw Enforcement Officer, employed or appointed by the Town, a Police Officer, or a Peace Officer within the meaning of the *Peace Officer Act*, S.A., 2006, c. P-35, as amended.
- n) "**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.
- o) "Private Service" or "Private Service Pipe" means that portion of a pipe, used or intended to be used for the supply of water, which extends from the CC to and within a Property, or that portion of a pipe used or intended to be used for the collection of sewage, which extends from the Property line to and within a Property, and those portions of the Utility Systems defined by the MGA as a "service connection" which is located on or within a Property.

- p) "**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.
- q) "Rates" means the tariff or charges for the supply of Water and Sewer Services set out in the Schedule of Fees and Charges.
- r) "**Remote Reader**" means that device attached to the outside of an Improvement enabling the Town to read water consumption without entering the Improvement.
- s) "Schedule of Fees and Charges" means the Town's Schedule of Fees and Charges, as may be adopted, amended or altered by Council from time to time. Without restricting the generality of the foregoing, the Schedule of Fees and Charges does not form part of this Bylaw and may be changed or amended at any time by resolution of council. On the date of the coming into force of this Bylaw, the Fees and Charges applicable to Utility Services are enumerated in Schedule IV of the Town's 2008 Schedule of Fees and Charges.
- t) "Sewer Services" means the provision of Sewer Services to Property within the Town by means of pipes and related equipment and systems, but does not include the provision of Sewage Services by any other means.
- u) "**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.
- v) "**Town**" means the corporation of the Town of Beaumont and its duly authorized representatives.
- w) "Town Service Pipe" means that portion of a pipe used for the supply of water which extends from the Water Main to the CC and that portion of a pipe used for the collection of sewage which extends from the Sewer Main to the Property line.
- x) "**Turn Off**" means a discontinuance of the Water Supply to a Property.
- y) "User" means any Person who is the registered Owner of or who is in lawful possession of a Property:
 - i) For which an Application for a connection to the Town's Utility Services has been accepted;
 - ii) Which has been connected to Utility Services; or
 - iii) Which utilizes Utility Services.
- z) "Utility Bill" means a document issued by the Town which sets out charges for Water and Sewer 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 Town.

- aa) "Utility Services" means water and sewage services supplied by the Town.
- bb) "Utility System" means the water distribution system, sewage collection system and all accessories and appurtenances thereof owned or operated by the Town as a public utility.
- cc) "Water Main" and "Sewer Main" means those pipes installed for the conveyance of water or the collection of sewage throughout the Town to which Town Service Pipes may be connected.
- dd) "Water Services" means the provision of water to Property within the Town 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.
- ee) "Water Supply" means the provision of water to a User's Property.
- ff) "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 Sewer Services from the Town 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/sewer connection fee as set out in the Schedule of Fees and Charges will be charged. The Town may refuse to supply Utility Services if the prospective user does not pay the connection fee, or has any outstanding accounts with the Town.
- 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 Town 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 Town shall be provided in accordance with this Bylaw, and this Bylaw shall be applicable and binding upon all persons receiving Utility Services from the Town, including the Owner of any Property connected to or receiving Utility Services from the Town. Upon the change of ownership of a Property, the new Owner shall make a new application for Utility Services to the Town, failing which, the Town 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 Town 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 Town. 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 Town, 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 Town.
- 3.10 All Meters shall be owned, supplied and maintained by the Town, except as herein provided.
- 3.11 The Town, as a condition of providing Utility Services, may inspect the Property of a User or potential User who applies to the Town for Utility Services.
- 3.12 No Person shall uncover, alter, disturb or make use of connections with or openings into, any public sewer or appurtenances thereof without prior written authorization from the General Manager.
- 3.13 In the event that a sewer service is abandoned or discontinued within a Property, the Owner of the Property, at his expense, shall effectively cap the sewer 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 Town's Service Pipes, Sewer Mains, or Utility System.
- 3.14 Where required by the General Manager, the Owner of a Property receiving Sewer Services shall install a suitable sampling manhole in the Sewer Service for the purpose of determining Wastewater quality, temperature, rate of flow and other measurements. Such a manhole shall be located and constructed in accordance with established Engineering Standards and installed and maintained at all times by the Owner at his own expense.

4 Connections - New Developments

- 4.1 A Person developing a Property who wishes to receive Utility Services shall pay to the Town 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 Town employees for the purpose of the installation, removal, inspection, repair, monitoring and checking of the Meter and Remote Reader, as well as the Town's Service Pipe(s).
- 4.3 Meters of less than 2.54 centimeters (one (1") inch) will be installed by the Town 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 Town 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.
- 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 Town, 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 Town's Utility System must apply to the Town 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;
 - b) Payment of any off-site levies or any other outstanding amounts in relation to the Property that are due to the Town; and

- c) Payment of any amounts due under development agreements in relation to the Property.
- 4.10 No Person shall allow the discharge from a sump pump to enter the Utility System. However, when the General Manager deems it advisable, the General Manager may, but shall not be required to, approve an interim measure for connecting the Sump Pump Discharge to the Sanitary Sewer during the period of November 1st through to April 30th of any given year. Any such approval must be in writing and may be subject to such conditions as the General Manager may deem advisable.
- 4.11 No Person shall connect, or allow to be connected, either directly or indirectly, a sump pump or its discharge, to the Utility System unless this Bylaw otherwise specifically allows such connection.
- 4.12 All vehicle or gasoline service stations and vehicle and equipment washing establishments shall have grease, oil and sand intercepters installed by and at the expense of the Owners of such Properties. In addition, such intercepters:
 - a) May be required for other types of businesses or Properties if the General Manager determines they are necessary or desirable for the proper handling of liquid waste, located at or used within or by such businesses or Properties.
 - b) Shall be of a type and capacity approved by the General Manager, and shall be located to provide easy access for cleaning, inspection and maintenance by the Owner, at his expense.
- 4.13 No Person shall develop, construct, or operate, a vehicle or gasoline service station, or a vehicle or equipment washing establishment, or such other types of businesses or Properties as may be designated by the General Manager pursuant to s. 4.13(a) hereof, without installing an operative grease, oil and sand intercepter of a type and capacity approved by the General Manager.
- 4.14 No Person shall fail to properly maintain a grease, oil and sand intercepter that is required by this Bylaw.
- 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 Town's General Design Standards.
- 4.18 A Person other than the Town 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 Town is hereby authorized to supply Water Services and Sewer Services within the boundaries of Town 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 Town shall be the sole provider of Water Services and Sewer Services to land and Properties within the Town, unless Council, in its discretion, authorizes the Town to enter into an express written agreement to the contrary. No other Person shall provide Water Services and Sewer Services within the Town unless Council, in its discretion, expressly so authorizes.
- 5.3 No Person shall use, within the Town, 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 Town 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 Town or the Town'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 Town is not responsible for any damage resulting from the failure of any piping beyond the Town's Service Pipes.
- c) The User shall continue to provide a suitable place on their Property for a Meter, where access is not obstructed.
- In the event that access to the Meter is obstructed due to alterations made to a Property, the Town may require the Meter to be relocated to a location that provides unobstructed access. All costs, including Town 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 Town 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 Town 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 Town 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 Town'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 Town's Property, respond to a User's complaint or query, conduct an inspection relating to concerns with unauthorized use of water or sewer, 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 Town'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 Town 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 Town 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 Town 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 Town fire hydrant, except with Town approval, which approval may be subject to such conditions that the Town, 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 Town 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 Town, and at the Owner's expense. The Town's approval may be subject to such conditions that the Town 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 Town 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 Town 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 Town shall give notice of such a Turn-Off to the User.
- 6.2 The Town does not guarantee or warrant the continuous supply of Utility Services and the Town 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 Town may prohibit, restrict or ration the use of water, as the Town deems appropriate, including circumstances of heavy demand, low reserves, maintenance, repairs, fire-fighting or Emergency. However, the Town 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 Town will not be responsible therefor.
- 6.5 The Town shall not be liable for damages, including losses caused by a break within the Town'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 Town's Water System, or generally for any accident due to the operation of the Town'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 Town 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.
- 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.

7 Releases to the Sanitary Sewer System

- 7.1 No Person shall release or discharge any thing or matter which, if discharged, would contravene or result in the contravention of any federal, provincial or municipal legislation, or the discharge of which may interfere with the proper operation of the sewage system or would be or may become a hazard to Persons, Property, animals or the environment.
- 7.2 Except as permitted below, no Person shall release or permit the release of any matter into a sanitary sewer.
- 7.3 No Person shall release or permit the release of any matter containing a hazardous waste into a sanitary sewer.
- 7.4 The following may be released into a sanitary sewer system;
 - a) Wastewater that does not contain:
 - i) A Hazardous waste;
 - ii) A Prohibited waste as defined in Schedule "B", which is attached hereto and forms part of this Bylaw; or
 - iii) A Restricted waste as defined in Schedule "C", which is attached hereto and forms party of this Bylaw.
 - b) Storm water from a high potential contaminant release area that is:
 - i) Covered by a permanent structure;
 - ii) Uncovered, but only if the area is 250 square meters or less; and
 - iii) Where drainage from other outdoors areas does not drain into the high potential contaminant release area;
 - c) Storm water from a snow storage site; or
 - d) Storm water directed to the sanitary sewer by Alberta Environment.
- 7.5 No Person shall release or permit the release of hauled wastewater that contains any of the following:

- a) Grit or skimmings from intercepters, Catch Basins, pretreatment facilities or private wastewater disposal systems;
- b) Sludge from intercepters, Catch Basins, pretreatment facilities or private wastewater disposal systems;
- c) Matter containing a hazardous waste; or
- d) Matter not permitted under Schedule "C" attached hereto.
- 7.6 Notwithstanding paragraphs 7.3 and 7.4 above, hauled wastewater from a domestic source that:
 - a) Contains no Prohibited Wastes listed in Schedule "B";
 - b) Contains no Restricted Wastes listed in Parts 1(b), 1(c) and 2, of Schedule "C":
 - c) Does not contain commercial or industrial wastewater; and
 - d) Contains no hazardous wastes,

will be exempt from section 7.5(b) and from the limits set out in paragraph 1(a) of Schedule "C" attached hereto.

7.7 No Person shall dilute wastewater so as to avoid the requirements of this bylaw or of the requirements of the Alberta Capital Region Wastewater Commission Wastewater Discharge Regulation *Releases To The Sanitary Sewerage System*, which are incorporated herein, by reference.

8. **Administration**

- 8.1 The current Fees and Charges applicable to Water Services and Sewer 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.
- 8.2 Utility Bills are intended to be issued on a bi-monthly basis unless the Town 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 Town, 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 Town 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 Town 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 Town. 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 Town. In that event, the Town 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 Town at such locations designated and under any payment method utilized by the Town from time to time. Payments must be received on or before the Due Date noted on the Utility Bill.
- 8.8 Payment of a Utility Bill is due fifteen (15) days from the date of mailing. 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 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 Town 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 Town re-establishing the Utility Service connection.
 - c) A sum payable, by the Owner of a Property, for the Utility Services supplied by the Town 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 Town 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.

- e) In the event of default in payment of any Utility Bill, the Town may, in addition to any other remedy available to the Town, enforce payment by action in a Court of competent jurisdiction.
- f) 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.
- g) A transfer of a utility account balance may be deemed necessary if the account remains in arrears for a period exceeding 120 days.
- 8.9 If a User neglects or refuses to comply with a notice to repair within sixty (60) days of receipt thereof, the Town may make or cause to be made repairs at the expense of the said User.
- 8.10 No reduction in Rates will be made in the monthly charge for water and sewer service available to any User because of any interruption by any cause whatsoever of the Water Supply.
- 8.11 The Town Council hereby delegates to the General Manager all those powers stipulated by this Bylaw to be exercised by the Town 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 Town, 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 Town 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 25th day of November, 2008.

Read a second time in Council this 9th day of December, 2008.

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

Mayor	Municipal Clerk

Schedule "A"

To: To	wn of Beaumont	
Re:		
Utility	0 0	r(s) of the above noted Property hereby request that all be forwarded in my (our) name in care of the following
the Uti Town I to this	lity Bills will result in the transfe bylaws. We also understand that a	responsible for the Utility Bills and that non-payment or of outstanding balances to our tax account pursuant to Il Utility Bills, notices and other correspondence relating address noted above and that a copy will not be issued to
Registe	ered Owner (s)	Date
Registe	ered Owner (s)	Date

SCHEDULE "B" Prohibited Wastes Applicable to Sanitary Sewer

The following are designated as Prohibited Wastes:

- 1. Any matter in a concentration that may cause a hazard to human health;
- 2. Any flammable liquid or explosive matter which, by itself or in combination with any other substance, is capable of causing or contributing to an explosion or supporting combustion;
- 3. Any matter which by itself or in combination with another substance is capable of obstructing the flow of or interfering with the operation or performance of the sewer system, watercourse or wastewater treatment facility, including but not limited to:
 - a) agriculture wastes;
 - b) animals, including fish and fowl or portions thereof that will not pass a two centimeter screen:
 - c) ashes;
 - d) asphalt;
 - e) concrete and cement-based products;
 - f) gardening wastes;
 - g) glass;
 - h) gravel into the sanitary sewer system;
 - i) metal
 - j) paper and cardboard into the storm sewer system;
 - k) plastics;
 - l) rags and clothes;
 - m) rock;
 - n) sand into the sanitary sewer system;
 - o) sharps;
 - p) soil;
 - q) straw;
 - r) tar;
 - s) wash water from washing equipment used in the mixing and delivery of concrete and cement-based products, or
 - t) wood, sawdust or shavings from wood.
- 4. Any matter with corrosive properties which, by itself or in combination with another substance, may cause damage to any sewer system or wastewater treatment facility;
- 5. Any matter, other than domestic wastewater, which by itself or in combination with another substance is capable of creating an air pollution problem outside a sewer system or in and around a wastewater treatment facility.
- 6. Any matter which, by itself or in combination with another substance, is capable of preventing safe entry into a sewer system or wastewater treatment facility;
- 7. Any matter:
 - a) Consisting of two or more separate liquid layers;

- b) Which when it comes in contact with storm water, clear water or wastewater is capable of forming a separate liquid layer.
- 8. Any matter which by itself of in combination with another substance is detrimental to the operation or performance of the sewer system, watercourse, wastewater treatment plant or to the environment, including but not limited to:
 - a) Biological waste;
 - b) Elemental mercury;
 - c) Paint, stains and coatings, including oil and water-based;
 - d) Prescription drugs;
 - e) Used automotive and machine oils and lubricants;
 - f) Radioactive material in solid form
 - g) Effluent from an industrial garage grinder;
 - h) Hazardous wastes
- 9. Any matter which may:
 - a) Cause a hazard to human health and that cannot be effectively mitigated by wastewater treatment;
 - b) Cause a hazard to the environment;
 - c) Cause a hazard to municipal employees responsible for operating and maintaining the sewer system or the wastewater treatment facility
 - d) Cause an adverse effect to the sewer system;
 - e) Cause an adverse effect to the wastewater treatment facility
 - f) Result in the wastewater being released by the Town's wastewater collection system being in contravention of provincial regulatory requirements, or
 - g) Restrict the beneficial use of bio-solids from the Town's wastewater collection system and the wastewater treatment facility.
- 10. Not withstanding the above, the General Manager of the Alberta Capital Region Wastewater Commission may prohibit or set discharge concentrations and/or limit the loading rate for any other material or substance not included in the bylaw sections where required to protect wastewater facilities or processes, meet effluent standards or other legislated requirements, or control of bio-solids.
- 11. Water from a swimming pool or hot tub having a volume of 100 m² or more without first having received approval from the General Manager.
- 12. Wastewater, stormwater, clear water waste or matter having:
 - a. A temperature greater than 75° Celsius.
 - b. A PH balance less than 6.0 or greater than 10.5.
- 13. Wastewater, stormwater, clear water, subsurface water or other matter resulting from site remediation activities unless a permit to release has been issued.

SCHEDULE "C" Restricted Wastes Applicable to Sanitary Sewer

The following are designated as Restricted Wastes when present in wastewater, storm water, subsurface water or clear-water waste being released to the sanitary or combined sewage system at a concentration in excess of the levels set out below, with concentrations being expressed as total concentrations unless specified otherwise:

1. a) Contaminants

a) Contaminants	
Biochemical Oxygen Demand (B.O.D.)	10,000 mg/L
Chemical Oxygen Demand (C.O.D.)	20,000 mg/L
Oil and Grease	800 mg/L
Phosphorus (P)	200 mg/L
Suspended Solids (S.S.)	5,000 mg/L
Total Kjeldahl Nitrogen (T.K.N.)	500 mg/L

b) Inorganic Constituents

Aluminum	50.0 mg/L
Boron	30.0 mg/L
Fluoride	10.0 mg/L
Phosphorus	200.0 mg/L
Sulphite	1500.0 mg/L
PH (Hydrogen ion)	Less than 6.0 or Greater than 11.5
Arsenic (As)	1.0 mg/L
Cadmium (Cd)	0.10 mg/L
Chlorine (Free) (Cl2)	5.0 mg/L
Chromium (Hexavalent) (Cr+6)	2.0 mg/L
Chromium (Total) (Cr)	4.0 mg/L
Cobalt (Co)	5.0 mg/L
Copper (Cu)	1.0 mg/L
Cyanide (CN)	2.0 mg/L
Lead (Pb)	1.0 mg/L
Mercury (Hg)	0.10 mg/L
Molybdenum (Mo)	5.0 mg/L
Nickel (Ni)	4.0 mg/L
Silver (Ag)	5.0 mg/L
Sulphide (S=)	3.0 mg/L
Thallium (Tl)	1.0 mg/L
Zinc (Zn)	2.0 mg/L

c) Organic Compounds

BEXT	1.0 mg/L
Carbon Letra Chloride	0.20 mg/L
Chloroform	0.20 mg/L
Hydrocarbons	50 mg/L
Pentachlorophenols	0.20 mg/L
Phenols	1.0 mg/L

d) Physical Property

- 2. Radioactive materials in concentrations greater than allowed under the Atomic Energy Control Act and the Atomic Energy Control Regulations as amended from time to time.
- 3. Notwithstanding the above the General Manager of the Alberta Capital Region Wastewater Commission may reduce the allowable concentration and/or limit the loading rate for items in Schedule C where required to protect wastewater facilities or processes, meet effluent standards or other legislated requirements, or control biosolids quality.
- 4. Dyes or coloring materials that will produce a color value greater than or equal to 500 True Color Units except the dye is used by the Town as a tracer.

SCHEDULE "D" Specified Penalties

Offence	Section Number	Specified Penalty
Failure to cap a sewer after abandonment or	3.13	\$ 750.00
discontinuance of sewer service		
Failure to install a suitable sampling manhole after	3.14	\$2,500.00
being required to do so by the General Manager		
Failure to provide wiring for a Meter or Remote	4.2	\$ 500.00
Reader in locations that provide unobstructed access		
Having, constructing, or maintaining more than one	4.6	\$2,500.00
Private Service to a Property without the approval of		
the General Manager		
Allowing the discharge from a sump pump to enter	4.11	\$1,000.00
the Utility System		
Connecting a sump pump or its discharge to the	4.12	\$1,000.00
Utility System		
Developing, constructing or operating a vehicle or	4.14	\$2,500.00
gasoline service station, or a vehicle or equipment		
washing establishment, or any other type of		
business or Property designated by the General		
Manager, without installing an operative grease, oil		
and sand intercepter of a type and capacity		
approved by the General Manger		
Failure to properly maintain a grease, oil and sand	4.15	\$2,500.00
intercepter that is required by this Bylaw		
Providing Water Services, or providing Sewer	5.2	\$2,500.00
Services, within the Town, without the express		
approval of Council		
Unauthorized use of a source of water, other than	5.3	\$1,000.00
Water Services, without the written consent of the		
General Manager		
Unauthorized use or taking of water from a Town	5.14	\$ 2,500.00
fire hydrant		
Obstructing access to a fire hydrant, or interfering	5.15	\$ 2,500.00
with the operation of a fire hydrant		
Obtaining, or attempting to obtain, Utility Services	6.7	\$1,000.00
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		
Damaging or tampering with a water seal, a Remote	6.8	\$1,000.00
Reader, or a Meter		
Unauthorized vending, selling, supplying, disposing	6.9	\$1,000.00
of, or giving away water from the Utility System		
Unauthorized release or discharge which may	7.1	\$2,500.00
Interfere with the proper operation of the Sewage		

Offence	Section Number	Specified Penalty
System		
Unauthorized release of any matter into a sanitary	7.2	\$2,500.00
sewer		
Releasing or permitting the release into a sanitary	7.3	\$2,500.00
sewer of any matter containing hazardous waste		
Releasing or permitting the release of hauled	7.5	\$2,500.00
wastewater contrary to the provisions of s. 7.5 of this		
Bylaw		
Diluting wastewater to avoid the requirements of this	7.7	\$2,500.00
Bylaw, or the requirements of the Alberta Capital		
Region Wastewater Commission Wastewater		
Discharge Regulation		

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