

(OFFICE CONSOLIDATION OF)

**BYLAW 02-2012 (Water Bylaw)
BYLAW 05-2012 (Water Bylaw Amendment # 1)**

***BEING A BYLAW OF THE TOWN OF BOWDEN TO REGULATE THE SUPPLY AND
DISTRIBUTION OF WATER***

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**TOWN OF BOWDEN
PROVINCE OF ALBERTA**

***BEING A BYLAW OF THE TOWN OF BOWDEN TO REGULATE THE SUPPLY AND
DISTRIBUTION OF WATER***

WHEREAS the Town of Bowden deems it expedient to regulate water services within the Town of Bowden,

NOW THEREFORE, under the Authority of the Municipal Government Act, being Chapter M-26 of the revised Statutes of Alberta, 2000 and amendments thereto, Council of the Town of Bowden, duly assembled, enact as follows:

1. TITLE

1.1. This Bylaw shall be known as the Water Bylaw.

2. DEFINITIONS

2.1. Throughout this bylaw unless otherwise stated, the following definitions shall apply:

- a) "Authorized person(s)" shall mean any person(s) employed or contracted by the Town.
- b) "Building" shall mean any structure used or intended for supporting or sheltering any use of occupancy.
- c) "Building Unit" shall mean any portion of a multi unit structure intended or used for individual occupancy.
- d) "CAO" shall mean the Chief Administrative Officer as appointed by Council or authorized person(s) as delegated by the CAO.
- e) "Contracts" shall mean agreements written or implied.
- f) "Council" shall mean the duly elected municipal officials of the Town of Bowden as defined in the Municipal Government Act.
- g) "Curbstop" shall mean a municipal owned water service shut off valve located in a water service line located between the water service main and the building.
- h) "Easement Area" shall mean that area encompassed in a utility right away or municipal easement as registered with Alberta Land Titles.
- i) "Land Owner" shall mean the owner of a parcel of land as registered with Alberta Land Titles.

- j) "Meter" shall mean a mechanical and/or electronic device used to measure the amount of water consumed.
- k) "Property" shall mean a parcel of land as registered with Alberta Land Titles.
- l) "Remote Read Unit" shall mean a secondary device utilized by the Town to record consumption readings of a water meter.
- m) "Portsides" shall mean any area adjacent to the opening of a fire hydrant which a fire hose may be connected.
- n) "Town" shall mean the Town of Bowden as defined in the Municipal Government Act.
- o) "Water Main" shall mean that portion of the water system laid down in Town owned property or easement area for the purpose of servicing more than one property.
- p) "Water Service Line" shall mean the water line from the water main to the property being serviced.
- q) "Water System" shall mean the Municipality's infrastructure for the transmission, storage, distribution, or any part of such system for the purpose of supplying water.

3. DESIGNATION OF AUTHORITY

3.1. The Council of the Town of Bowden hereby delegates to the CAO the authority to do all things necessary in order to fulfill the responsibilities and duties under the Municipal Government Act, Provincial and Federal Statutes and Regulations, this bylaw and municipal policies.

3.2. The CAO is hereby empowered to provide for:

- a) the establishment of standards, guidelines and specifications for the design, construction and maintenance of the water system.
- b) the general installation, maintenance and management of the water system.
- c) the general conduct and management of authorized persons.
- d) the distribution and use of water from the water system.
- e) the billing and collecting of fees related to the water system.

3.3. For the purposes of administering or enforcing the provisions of the Bylaw the CAO may delegate their powers to one or more employees of the Town and the said employee shall be deemed to be an authorized person of the CAO.

3.4. Any Land Owner or person who considers to be aggrieved by a decision of the CAO with respect to the provisions of this bylaw may appeal the decision to Council.

- a) An appeal shall be made in writing within thirty (30) days of receipt of the CAO's decision.
- b) This appeal shall be delivered to municipal office of the Town.
- c) Council shall render a decision within thirty (30) days of receipt of an appeal.
- d) The Council's decision respecting an appeal shall be final and binding.

4. CONTRACTS

4.1. This Bylaw shall form part of every contract between the Town and a Land Owner for supplying water.

4.2. In the event the Land Owner has failed to comply with the provisions and requirements of the Bylaw or the terms of the contract then the supply of water may be discontinued.

5. SERVICES

5.1. Each property shall be provided with water service subject to any terms, cost or charges established by Council.

5.2. Where the principal building occupies the frontage of the property and others are located to the rear of the said building then permission may be granted to supply all the buildings from one service, subject to the conditions prescribed by the Town.

5.3. Permission will not be granted to supply two (2) or more buildings or building units fronting on the same street with a single service unless the service is divided within the public property and separate shutoff is provided for each service.

5.4. Unless specifically exempted by Council resolution, services shall not be located under driveways, private walkways or structure of a permanent nature.

5.5. Unless specifically exempted by Council resolution, new water wells shall not be permitted.

6. CONNECTIONS

6.1. No person, without having first obtained permission from the CAO to do so, shall make connection to any municipal water system.

6.2. Applicants shall be responsible for any repairs to streets, curbs and sidewalks which are damaged while making such connections and will be required to leave a deposit until said repairs are completed to the satisfaction of the CAO.

- 6.3. The applicant shall also provide adequate safety provisions during said construction. Permission will be given only to licensed installers or authorized employees of the Town.
- 6.4. No connection may be made to the water service line between the curbstop and the meter.

7. STANDARDS

- 7.1. It is an offence to connect in any way whatsoever to municipal water prior to the outlet side of any water meter except as provided elsewhere in this bylaw.
- 7.2. All water service lines between the curbstop and the meter, shall be CSA approved material and of equal or better quality to the service line in the street between the main and the curbstop.
 - a) Minimum size of water service lines shall be 20mm unless specific prior approval has been granted by the CAO.
 - b) No person shall backfill any service until the service has been inspected and approved by the CAO.
- 7.3. All water service lines shall be provided with a water shut-off valve placed immediately before the inlet side of the water meter to enable a Land Owner or person to shut off the supply of water in case of any emergency or for protection of the building, pipes, or fixtures.

8. OWNERSHIP

- 8.1. The Town is the owner of the water service line from the water main to the curbstop.
- 8.2. The Town is the owner of curbstops.
- 8.3. All other water service lines and connections from the curbstop to the property shall be owned by the Land Owner.
- 8.4. Water service lines and curbstops owned by the Town shall be controlled, maintained, repaired and replaced by the Town.
- 8.5. Water service connections after the curbstop shall be installed, maintained, repaired and replaced by the Land Owner at their expense.
- 8.6. Without limiting the foregoing, as a condition of receiving water from the Town the Land Owner shall maintain in a state of good repair, with sufficient protection from freezing, free from leakage, or other water loss to the satisfaction of the CAO, any water service line, connection, meter or water system on private property through which the supply of water is conveyed from the Town water system which is located at the property line of the street or the boundary of an Easement Area granted to the Town for its water system, to the water supply outlets or fixtures on the private property.

9. FAILURE TO MAINTAIN, REPAIR OR REPLACE

9.1. If the land owner fails or refuses to maintain, repair or replace a water service line, connection, meter or water system in a timely fashion as required by Section 8, the CAO may:

- a) Turn off the supply until the repairs have been made to stop the water loss; and
- b) Estimate the volume of water loss and demand payment from the Land Owner for that amount of water estimated to have been lost which said payment shall become due and payable upon such demand being made.

9.2. Where water has been shut off the CAO may refuse to turn it on again until satisfactory evidence that the necessary repairs have been made is received.

10. RELOCATON OR REPLACEMENT OF SERVICE LINE

10.1. Any Land Owner who wishes to have an existing water service line replaced with a different size or relocated to a different location shall apply to the CAO in writing for approval. The CAO may authorize the work subject to payment in advance, of the cost of the project as determined by the CAO.

11. DISCONTINUATION OF USE

11.1. Where the Land Owner discontinues or abandons the use of a water service line they shall notify the CAO in writing requesting that the water service line be disconnected from the water system. Upon receipt of this request by the CAO, the Land Owner shall make payment in advance for the cost of the disconnection as determined by the CAO.

12. FROZEN SERVICES ON PRIVATE PROPERTY

12.1. Any water service line, connections and meter frozen on private property shall be the responsibility of the Land Owner.

12.2. Costs incurred by the Town, in thawing frozen water service lines, connections and meters on behalf of a Land Owner, shall be recoverable as a debt to the municipality. If not paid, the cost may be added to the taxes levied on the property and collected in the same manner as Municipal property taxes.

13. LIABILITY OF DAMAGES

13.1. The municipality shall not be liable for loss or damage suffered by any person or business by reason of:

- a) low water pressure, or by interruption to, or failure of, the water system to deliver water in adequate volume and pressure,
- b) a break of any water main, water service line or other pipe or for the settlement of any excavation or trench made for the installation or repair of any part of the water system,
- c) disruption of any supply of water from the water system when such disruption is necessary in connection with repair or proper maintenance of the water system, or
- d) general operation of the water system.

14. WATER METERS

- 14.1. All water services connected to the Town's water system shall be metered except for:
- a) Fire service connections which are not used for any other purpose;
 - b) Other connections where in the opinion of the CAO, it is impractical to install a water meter.
- 14.2. Upon approved application water meters shall be supplied by the Town, to all buildings per the fee set out in Rate Bylaw 03/2007 (as may be periodically amended).
- 14.3. Notwithstanding the cost paid, ownership of all meters and remote read units shall be vested in the Town.
- 14.4. It is the Land Owner's responsibility to provide a suitable site for the installation of the water meter near the point of entry of the water service line and inside the building. The Town shall not be required to provide water service if the Land Owner fails to make available a site acceptable to the CAO.
- 14.5. The Land Owner shall provide for and maintain, in a suitable location acceptable to the CAO on the outside of the building, a remote read unit that is supplied and approved by the Town. The Land Owner shall provide necessary electrical wire as approved by the CAO for installation.
- 14.6. It is the Land Owner's responsibility for the safe-keeping of the water meter and any remote read unit and all associated connections. A Land Owner shall protect the water meter and connecting valves and pipes from freezing, excessive heat, overheating of water, external and internal damage of any kind or any other thing which may negatively affect the operation or reading of the water meter. The Land Owner shall be liable for any damage which may occur to the water meter or remote read unit.
- 14.7. No Land Owner shall relocate, alter, or change any existing water meter or remote read unit and associated connections without the written approval of the CAO. The Land Owner shall submit plans and specifications for any proposed relocation and, if approved, the Land Owner shall pay the entire cost, including any costs incurred by

the Town, in making any such relocation, alteration or change.

- 14.8. A Land Owner shall notify the CAO immediately whenever a water meter, remote read unit or associated connections are not operating or if any part becomes damaged or broken.
- 14.9. If a water meter or remote read unit is removed, stolen or damaged, the Land Owner shall pay the cost of replacement. If not paid, the cost shall be added to the taxes levied on the property and collected in the same manner as Municipal property taxes.
- 14.10. For the purposes of reading water meters and remote read units by the municipality, the Land Owner shall continuously provide unrestricted and safe access to the water meter and remote read unit.
- 14.11. The CAO may inspect the premises to determine if there is proper and unrestricted access to the water meter and remote read unit site and to determine if the sites are suitable and acceptable to the CAO for installing, reading, maintaining and repairing the meter and related facilities. If the CAO deems that the current site is unacceptable, the Land Owner shall incur the costs of relocation.
- 14.12. As may be deemed necessary from time to time by the CAO, water meters and or remote read units may have to be replaced. It is an offence under this bylaw to refuse to allow access to do so upon reasonable notice.

15. READING OF WATER METERS AND REMOTE READ UNITS

- 15.1. Water meters and or remote read units shall be read at the discretion of the CAO.
- 15.2. If an employee is unable to enter the premises to read the water meter or remote read unit, they may leave a card with instructions requesting the occupant to contact the Town Office.
- 15.3. In the event a Land Owner or occupant refuses to allow a meter or remote read unit to be read for a period in excess of two months, a charge as per Rate Bylaw 03/2007 (as may be periodically amended) shall be assessed on a monthly basis until such time that access is granted.
- 15.4. If the Town is unable to obtain a water meter reading or if a water meter fails to register properly the amount of water consumed or if water supplied through a meter has not for any reason whatsoever registered on the meter, the amount of water consumed since the last time the water meter was read and was recording consumption accurately may be estimated by the CAO based on previous consumption or daily average consumption for the premises and the Land Owner shall pay for the cost based on such estimate of consumption. Payment of an estimated amount shall not excuse the Land Owner from liability for payment of a greater amount which may be owing after a meter is read.

16. METER TESTING

- 16.1. Should the Land Owner claim a meter is not working properly and is over-reading, they shall deposit with the Town a sum as set out in Rate Bylaw 03/2007 (as may be periodically amended) to have the meter removed and bench tested. Should the meter over-read by more than 3%, the Land Owner shall be refunded their deposit or, if not, the Land Owner shall forfeit the deposit, to the Town, to cover the cost of removal and testing. If the meter is found to over-read or under-read by more than 3%, the rates charged for the previous two billing periods shall be adjusted by that percentage.

17. WATER RESTRICTIONS

- 17.1. Under the authority of this Bylaw only the CAO may implement water restrictions.
- 17.2. From time to time the CAO may implement water restrictions following the guidelines of the Mountain View Regional Water Services Commission.
- 17.3. The CAO may impose restrictions on the use of water for domestic lawns, gardens, commercial and industrial purposes to maintain an adequate water supply.

Restriction Level 1

The following residential uses are permitted only during even numbered days at even numbered addresses and odd numbered days at odd numbered addresses:

- Lawn watering
- Filling of swimming pools and spas
- Filling of fountains and other water features

Restriction Level 2

The following residential uses are **not** permitted:

- Lawn watering
- Filling of swimming pools and spas
- Filling of fountains and other water features
- Washing of vehicles, homes, driveways, windows, patios, paths, boats, etc.
- Use of water toys

The following non-residential uses are **not** permitted:

- Lawn watering (**except** for turf farms)
- Washing of driveways, paths, patios, windows, etc.

Restriction Level 3

The following residential uses are **not** permitted:

- Lawn watering

- Filling of swimming pools and spas
- Filling of fountains and other water features
- Washing of vehicles, homes, driveways, windows, patios, paths, boats, etc.
- Use of water toys

The following non-residential uses are **not** permitted:

- Lawn watering (**including** for turf farms)
- Washing of driveways, paths, patios, windows, etc.
- Bulk water sales
- Use by commercial nurseries and market gardens
- Use by commercial car wash facilities
- Limiting of commercial, industrial and institutional use

Restriction Level 4

Only residential use for consumption, preparation of food, sanitary and hygienic purposes is permitted.

Only essential commercial, industrial and institutional use permitted such as hospitals and fire fighting.

- 17.4. Unless expressly exempted by the CAO, Land Owners contravening these water restrictions will be subject to a penalty as per Schedule A of this Bylaw.

18. EMERGENCY

- 18.1. In the event of an emergency, the CAO may shut off any portion of the water supply without prior notice.

19. FIRE HYDRANTS

- 19.1. No Land Owner or person shall do anything to obstruct access to a fire hydrant, operate or to interfere with the operation of a fire hydrant.
- 19.2. Except as otherwise authorized by the CAO no Land Owner or person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance to a fire hydrant.
- 19.3. All land owners with properties on which a fire hydrant is located or Land Owners with property which is adjacent to property on which a fire hydrant is located:
- a) shall maintain a two (2) metre clearance on the port sides of a fire hydrant and a one (1) metre clearance on the back side of a fire hydrant; and
 - b) shall not permit anything to be constructed, erected, placed, or planted {within the clearance identified in paragraph a) of this subsection} that negatively

impacts the use or operation of the fire hydrant.

Failure to comply may result in the obstruction being removed at the expense of the Land Owner in default. If not paid, the cost shall be added to the taxes levied on the property and collected in the same manner as Municipal property taxes.

- 19.4. Any Land Owner who wishes to have a fire hydrant relocated may request in writing to the CAO that the hydrant be relocated, raised or lowered in elevation. If the CAO considers the change to be feasible and practical, the Land Owner making the request shall pay in advance the estimated cost as calculated by the CAO subject to a refund or additional payment, depending upon the actual cost when the work has been completed

20. TAMPERING

- 20.1. No persons other than authorized by the CAO shall open or close , operate, modify or therefore interfere with any curbstop, valve, hydrant or fire plug, or draw water there from. Individuals will be subject to a penalty, as identified in Schedule A.
- 20.2. The CAO may seal water meters installed and no person except as authorized by the CAO shall break or tamper with any such seal.

21. LOW FLOW PLUMBING FIXTURES

- 21.1. All existing fixtures are accepted. After the passing of this bylaw all new construction and renovations shall conform to this bylaw.
- 21.2. Toilets shall have a total water usage of no greater than 6.0 litres per flush, or dual flush toilets shall have an average water usage of no greater than 4.0 litres per flush, including the contents of both the tank and bowl of the toilet.
- 21.3. Urinals shall have a total water usage of no greater than 3.88 liters per flush.
- 21.4. Showerhead shall have a rate of no greater than 9.5 litres per minute.
- 21.5. Sink faucets shall have a rate of no greater than 8.3 litres per minute.
- 21.6. Every person responsible for:
- a) new residential construction, regardless of the number of dwellings units contained in a structure;
 - b) new industrial, commercial and institutional construction; and
 - c) any renovation project regarding a residential, industrial, commercial or institutional structure;

must ensure that all plumbing fixtures installed in that construction or renovation are

Low Flow Plumbing Fixtures, as they are defined in this bylaw.

- 21.7. Notwithstanding the obligation and prohibitions in this bylaw, the CAO may, in writing, allow the installation of plumbing fixtures other than Low Flow Plumbing Fixtures.

22. UTILITY SERVICES FOR RENTERS AND LAND OWNERS

- 22.1. Upon passage of this bylaw, the Town of Bowden will only provide water service to the Land Owner of the parcel of land with the exception of existing renters with Utility Accounts in good standing as of February 13, 2012. These renters can continue to receive Town of Bowden Utility Bills directly as long as their account is active and in good standing. If an existing account is subject to a Town of Bowden Disconnection Notice, then the account can only be re-activated in the Land Owner's name.
- 22.2. Utility accounts with amounts outstanding for services remaining unpaid after the "Last Date Before Penalty" as indicated on the utility bill shall be subject to a penalty as set out in Rate Bylaw 03/2007 (as may be periodically amended).
- 22.3. Utility accounts with amounts outstanding for services prior to the aforementioned date not paid within forty five (45) days of the "Last Date Before Penalty" as indicated on the utility bill shall be subject to disconnection of water services.

23. TEMPORARY SHUT OFF REQUESTS

- 23.1. Fees for temporary shut off requests are as per the disconnect and connect fees as established in Rate Bylaw 03/2007 (as may be periodically amended).

24. RATES, BILLINGS AND PAST DUE ACCOUNTS

- 24.1. Application for hook up and shut off must be made through the Town Office. Water shall be turned on or off only by an authorized employee of the Town and charges, for said utility services, shall be in accordance with Rate Bylaw 03/2007 (as may be periodically amended).
- 24.2. The commercial and residential water service fee will be charged monthly on the utility bill in accordance with the rates established in Rate Bylaw 03/2007 (as may be periodically amended) and are due and payable on or before the date indicated on the utility bill as the "Last Date Before Penalty".
- 24.3. Where the Town supplies water through a single meter to a multi-occupied residential or commercial building, condominium or mobile home park, the Land Owner shall pay to the Town a charge comprised of the sum of the flat rate per billing period as set out in Rate Bylaw 03/2007 (as may be periodically amended) multiplied by the number of suites, apartment units, dwellings, units or stalls as the case may be plus the water usage as per Rate Bylaw 03/2007 (as may be periodically amended).
- 24.4. In new construction, utility billing commences at the time of purchase of the water

meter.

- 24.5. Non-receipt of a utility bill will not exempt the Land Owner or Renter (As per Section 22.1.) from payment for the service received.
- 24.6. If any utility bill remains unpaid after the date specified in section 24.2 there shall be a penalty added as set out in Rate Bylaw 03/2007 (as may be periodically amended).
- 24.7. If payment from a Land Owner is not received forty five (45) days after the date specified in section 22.2, the account shall be subject to a Town of Bowden Disconnection Notice and the outstanding account shall be automatically transferred to the tax roll account of the property and collected in the same manner as Municipal property taxes. The Town shall provide written notice to the Land Owner of such transfer. If payment from a Renter (As per Section 22.1.) is not received forty five (45) days after the date specified in section 22.2, the account shall be subject to a Town of Bowden Disconnection Notice. The Town shall provide written notice to the Land Owner of such action.

25. PENALTIES

- 25.1. Any Land Owner or person who contravenes any provision of this bylaw is guilty of an offence and may be subject to discontinuation of the supply of water services and in addition, is liable for a fine as specified in Schedule A.
- 25.2. The CAO may discontinue the supply of water services for any of the following reasons:
 - a) non-payment of utility account; or
 - b) inability to access a residential or commercial premise to read any meter or remote read unit for a period of two (2) months; or
 - c) failure by, or refusal of, a Land Owner or person to comply with any provision of this bylaw; or
 - d) in any other case provided for in this bylaw.

26. ADMINISTRATIVE

- 26.1. This Bylaw shall take effect upon its passing.

SCHEDULE A:

SPECIFIED PENALTIES FOR OFFENCES UNDER

BYLAW 02-2012 (WATER BYLAW)

1. First Offence: Written Warning
2. Second Offence (OR A CONTINUING PRIOR FIRST OFFENCE): \$250.00
3. Third Offence (OR A CONTINUING PRIOR SECOND OFFENCE): \$500.00
4. Fourth Offence (OR A CONTINUING PRIOR THIRD OFFENCE): \$1,000.00