

BY-LAW NO. 989

A BY-LAW OF THE TOWN OF MILK RIVER, IN THE PROVINCE OF ALBERTA TO REGULATE THE USE OF WATER WORKS, WASTEWATER WORKS, AND GARBAGE COLLECTION SYSTEMS AND TO ESTABLISH RATES FOR THESE PUBLIC SERVICES IN THE TOWN.

WHEREAS, pursuant to the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000, as amended, the Council may pass by-laws for the general maintenance of management or conduct of any public utility, the rates, charges, tolls, fares, rents, the times and places where they will be payable, and provide for a discount that the Council considers expedient for prepayment or punctual payment; and

WHEREAS, the Council of the Town of Milk River deems it necessary to provide for the control and management of the water works, wastewater and garbage collection systems.

NOW THEREFORE, the Council of the Town of Milk River, duly assembled enacts as follows:

That this By-Law shall be cited as the Water and Wastewater Works By-Law of the Town of Milk River.

PART 1: DEFINITIONS

TOWN shall mean the Town of Milk River, in the Province of Alberta.

CHIEF ADMINISTRATIVE OFFICER shall mean the person appointed by Council in accordance with Section 205 of the *Municipal Government Act*, and is referred to throughout this By-Law as "CAO".

TOWN FOREMAN shall mean the person with authority to supervise and have charge of the Water and Sewer Department, subject to the powers delegated to him through the Chief Administrative Officer of the Town of Milk River.

AUTHORIZED PERSON shall mean any person employed by the Town of Milk River.

BOILERS shall include hot water heaters and/or tanks.

PERSON shall mean an individual, firm, corporation, owner, occupiers, lessee or tenant.

TOWN shall mean the Town of Milk River.

COUNCIL shall mean the Council of the Town of Milk River elected pursuant to the provisions of the *Municipal Government Act*.

CURB STOP shall mean the device on a water service line used to interrupt or discontinue the supply of water.

CONSUMER shall mean and include the owner or occupier of lands and premises therein or on, to which any water or wastewater service pipes are installed to service any land or premises thereon or in.

HOUSEHOLD WASTE shall mean any waste normally generated within a household and shall not include those items listed in Part 4 Section 4.05 of this by-law.

METER shall mean a mechanical and/or electronic device used to measure the amount of water consumed on the premises upon which such meters are situated.

MUNICIPALITY shall mean the Town of Milk River.

SEWER SERVICE LINE shall mean that portion of the sewer line from the collecting street mains to the property line of the land or building being serviced.

SHUT OFF shall mean the interruption in or discontinuation of the supply of water.

STREET MAIN shall mean that portion of the water and/or sewer system laid down in Town owned land for the purpose of servicing more than one property.

STORM SEWER shall mean the line dedicated for storm, surface drainage, and groundwater only.

UTILITY shall mean and includes, as the context may require, the supply of water and/or the provision of wastewater and storm water collection and disposal.

UTILITY CHARGES shall include charges for water, wastewater, and garbage.

WATER SERVICE LINE shall mean that portion of the water line from the distributing street mains to the property line of the land or building being serviced.

WATERWORKS shall mean all public water treatment systems, street mains and service lines within the Town of Milk River.

PART 2: WATER WORKS REGULATIONS

- 2.01 No person, except employees of the Town, shall make any connection or communication whatsoever with any of the public water pipes or mains, unless otherwise approved by the Municipal Foreman. Upon authorization, an individual assumes full liability for any damage caused while making such connection and will also provide adequate safety provisions during the connection.
- 2.02 The Town shall be responsible for the costs of installation and repair of a water service line from the main line to the curb stop. All water service lines laid down on private property shall be constructed of CSA approved material of equal or better quality to the service lines in the street between the street main and the property line.
- 2.03 After any construction, reconstruction, alteration or change, or the completion of any work requiring a permit, water shall not be turned on to any building or premises until after the whole of the work has been done to the satisfaction of the Town. Water shall be turned on or off only by an authorized employee of the Town, as dictated by Town policy. Water consumed during new construction shall be free of charge.
- 2.04 To maintain an adequate supply of water and adequate water pressure within the Town, or in the emergency situations, the Council or CAO may authorize restriction on the use of water.

- 2.05 Except as hereinafter provided, no person other than authorized employees of the Town shall open or close or operate or interfere with any valve, hydrant or fire plug, or draw water therefrom.
- 2.06 The Fire Chief of the Town Fire Department, his assistants and officers, members of the department, are authorized to use the hydrants or fire plugs for the purpose of extinguishing fires, or fire practices, or testing of hose pipe for fire protection. However, all such cases shall be under the direction and supervision of the said Chief or his duly authorized assistants, and in no event shall any inexperienced or incompetent person be permitted to manipulate or control in any way any hydrant or plug.
- 2.07 No person shall in any manner obstruct the free access to any hydrant or valve or curb stop. No vehicle, building, or any other matter which would cause such obstruction shall be placed nearer to a hydrant than the property line of the street in which the hydrant is located, nor within five (5) meters of the hydrant in a direction parallel with the said property line.
- 2.08 The Town shall assume the full responsibility and cost for any water service line, which may hereinafter be frozen between the property line and the main line. Any water service line frozen between the property line and the building shall be the responsibility of the person owning the property. In addition, should the water service line be frozen between the street main and the property line as the result of the negligence of the customer, the customer will be held responsible for costs associated with unthawing said line.
- 2.09 The Town may, with due notice, shut off the water supplied to the land or premises of any consumer who may be guilty of a breach of non-compliance with any of the provisions of the By-Law or Board of Health regulation, and may refuse to turn on the water until satisfied and assured that the consumer intends to comply with the By-Law or Health regulations.
- 2.10 When possible, reasonable notice will be provided to all customers, however the Town reserves the right to turn off water service without notice to any or all consumers in an emergency situation. It is hereby declared that no person shall have any claim for compensation or damages as a result of the Town turning off the water service in an emergency situation without notice or from the failure of water supply system from any cause whatsoever.
- 2.11 No person shall interfere with, damage or make inaccessible any curbstop due to the construction of sidewalks, pathways, driveways, etc. If it is required to make any repairs or changes to inaccessibility to or damage to curb stops, the owners of the property being serviced by said curb stop shall, in addition to the penalties of this By-Law, be required to assume all costs involved in said repair.
- 2.12 Any person or persons about to vacate a premises that has been supplied with water and / or who are desirous of discontinuing the use thereof must give notice to the Town, either in writing or by telephone, to shut off the water to said premises. Otherwise they will be held liable for the accruing rates therefore and for all damages suffered or sustained by the Town and caused by failure to give such notice. There will be a charge associated with water turn on and shut off.
- 2.13 In all cases where boilers or electric water heaters may become damaged or cause damage, the property owner must notify the Town and make arrangements for the Town

to disconnect the unit prior to a water shutoff. If no notification is given, and the unit, persons and/or property becomes damaged in a water shut-off or water supply failure, the Town shall not be liable for any damages which result, the customer may be subject to a fine under this by-law, and no deduction from water bills will be made in consequence thereof.

- 2.14
- a) All development within the Town of Milk River requiring connection to the water system for the Town of Milk River shall require a water meter, as a condition of development.
 - b) The said meter shall be acquired from the Town and installed at the developer's expense.
 - c) The meter shall remain the property of, and shall be maintained by, the Town. The Town will replace any meter that stops working due to normal wear and tear at no cost to the owner.
 - d) No person shall interfere with, disconnect, impede, damage, permit to be damaged, or otherwise tamper with a water meter. Repairs to said meters will be at the expense of the customer, and as listed in Schedule A of this bylaw.
 - e) The Town, upon due notification to the occupant, shall be provided clear and unhindered access to the meter.
- 2.15 No well or other source of water except the Town waterworks will be permitted within the Town of Milk River corporate boundaries.

PART 3: WASTEWATER WORKS REGULATIONS

- 3.01 No person, except employees of the Town, shall make any connection whatsoever with any of the public wastewater pipes or mains, unless otherwise approved by the Municipal Foreman. Upon authorization, an individual assumes full liability for any damage caused while making such connection and will also provide adequate safety provisions during the connection.
- 3.02 The Town shall be responsible for the costs of installation or repair of a wastewater service line from the main line to the property line. All wastewater service lines laid down on private property shall be constructed of CSA approved material of equal or better quality to the service lines in the street between the street main and the property line.
- 3.03 No person shall discharge, throw, deposit or leave in or upon any Town wastewater service or any trap, basin, grating, manhole or other appurtenance or any Town wastewater main any material, thing or liquid which would prejudicially affect the wastewater collection system.
- 3.04 The Town Foreman shall have the right, with due notice, to enter houses or other places which have been connected with Town wastewater collection systems. In the case of emergency, no notice is required. Facilities will be provided him in order for him to ascertain whether or not any improper material or liquid is being discharged into the

wastewater collection system and he shall have the power to stop or prevent any material or action from continuing to damage the system.

- 3.05 The person(s) owning or occupying any premises connected to a street main by a wastewater service line shall be responsible for contacting a plumber to clean the wastewater service line. Should a plug be located on the customer's line, the plumber has the right to bill the customer. Should the plug be thought to be on the public side of the property line, or the location cannot be determined, the plumber will contact the Town to inspect the line, and to confirm the location of the plug and responsibility for the costs associated.
- 3.06 The owner of any premises connected to a street main by a sewer service line may take advantage of sewer camera service programs offered by the Town through policy.

PART 4: WASTE MANAGEMENT REGULATIONS

- 4.01 The Municipality shall provide waste management services as follows:
- a) RESIDENTIAL waste pickup shall be conducted on Tuesdays.
 - b) COMMERCIAL waste pickup shall be conducted as follows:
 - i) Restaurants, grocery stores and recreational facilities shall have waste collection pickups on Tuesdays and Fridays.
 - ii) All other commercial outlets shall have waste collection pickups on Fridays.
 - iii) Should the Town feel that extra pickups are necessitated due to volume or other extenuating circumstances, additional pickups will be authorized at Council's discretion.
 - c) In the event a statutory or provincial or municipal holiday falls on a regularly scheduled waste collection day the pickup shall be conducted on the next following work day.
- 4.02 Waste shall be picked up:
- a) at the curb in residential areas;
 - b) at the curb or other such location deemed appropriate in commercial areas;
 - c) on the North and West side of the street in residential areas;
 - d) generally starting from the south end of the Town, working north.
- 4.03 All waste shall be securely bagged and tied or boxed. If garbage isn't bagged and tied or boxed the garbage will be left and a notice sticker will be left explaining the reason(s).
- 4.04 The following wastes are deemed appropriate for pickup and disposal by the Municipality:
- i) household / commercial waste;
 - ii) paper;
 - iii) cardboard;
 - iv) bagged or boxed cold ashes from fireplaces, wood stoves and garbage barrels

- 4.05 The following wastes will not be picked up for disposal by the Municipality:
- i) dead animals;
 - ii) noxious or hazardous wastes, used oils, used commercial food oils;
 - iii) construction and demolition debris, concrete and pavement;
 - iv) refrigerators, air conditioners, freezers, stoves, ovens, washers or dryers;
 - v) furniture;
 - vi) metal;
 - vii) tree branches, limbs and trunks;
 - viii) tires;
 - ix) grain dust and seed screenings;
 - x) burning barrels
- 4.06 Recycling shall be encouraged by the Municipality, and composting will be encouraged by the Municipality.
- 4.07 The Municipality is not responsible for cleaning out any bins, or containers. If a bin or container is in need of cleaning a notice will be given.
- 4.08 If a bag is considered too heavy by the Municipality, it will be left. A notice explaining the reason(s) why will be left on the bag.
- 4.09 Burning barrels will not be provided by the Municipality.
- 4.10 The Municipality shall not conduct Spring and Fall cleanups.
- 4.11 Residential dwellings will be limited to one garbage bin per property. Multi-family residential will be allocated one garbage bin per unit within the multi-family complex.

PART 5: UTILITY BILLING AND PENALTIES

- 5.01 The monthly water rates for unmetered water shall be as outline in Schedule “A” of this By-Law.
- 5.02 The monthly wastewater rates shall be as outlined in Schedule “B” of this By-Law. The sanitary sewer meter rates are based on metered water consumption for all residential, commercial, and institutional buildings.
- 5.03 The monthly waste collection rates shall be as outlined in Schedule “C” of this By-Law.
- 5.04 Utility billings showing all service charges to the user, shall be delivered to the user bi-monthly. The garbage service charge will be combined on the same bill as the water service charge and the wastewater service charge; but each shall be calculated separately and separate entries shall be made on the utility bill.
- 5.05 No reduction in rates shall be made for:
- a) interruption of the service on account of any service or main piping becoming frozen or out of order as a result of frost; or

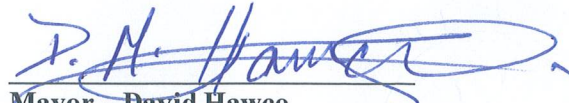
- b) the absence of the occupier, if the service is not turned off; or
 - c) interruption of service due to repair work.
- 5.06 Utility billings shall be due and payable within thirty (30) days of the date of mailing. The penalty for failure to pay a utility bill on or before the due date and payable date shall be three (3%) of the then unpaid current outstanding balance.
- 5.07
- a) The Town reserves the right to discontinue service to any property where any charges for services remain outstanding for a period of more than sixty (60) days.
 - b) A written notice will be forwarded giving five (5) working days to pay the account in full or water service will be discontinued.
 - c) When water service is inactive, basic sewer and garbage rates will also no longer be applied, providing the customer is not utilizing the services.
 - d) Any person or persons about to vacate any premises that have been supplied with water service or who are desirous of discontinuing the use thereof, must give notice to the Town to terminate billing and/or shut off the water at the said premises otherwise they will be held liable for the accruing rates therefor and for all damages suffered or sustained by the Town and caused by failure to give such notice.
- 5.07 Yearly prepayments of utility billings will be accepted during the month of January in any year. Persons making said yearly prepayment shall receive by way of credit on account an amount equal to one (1) months charges for water, wastewater and garbage. Said prepayments will be equal to eleven (11) months of charges.
- 5.08
- a) All utility accounts shall be placed in the name of the registered owner(s) of the property for which the account is for;
 - b) The Town shall not hold a renter responsible for payment of utility charges, the owner shall be responsible to collect any necessary charges from his or her renter(s).
- 5.09
- a) Any rates, costs or penalties for utilities supplied by the Town to any land or premises may be added to the taxes assessed against the real property to which the utility services have been supplied, and may be collected in any of the ways provided by the collection of taxes, including the sale of the said property provided that the consumer is the owner or purchaser of the property.
 - b) If the consumer is a person other than the owner of the property, any arrears of utility charges are a lien against his personal property and may be collected with costs by distress.
- 5.10 Any person who violates a provision of the By-Law is guilty of an offence and liable upon summary conviction to a fine of not more than five hundred (\$500.00) dollars exclusive of costs and in each and every case of default of payment, said person may be liable to imprisonment in the nearest common jail for a period not exceeding thirty (30) days, unless fines are sooner paid.

PART 6: BY-LAWS REPEALED AND ENACTMENT

6.01 By-Law Numbers 916 and 976 are hereby repealed.

5.01 This By-Law shall come into full force and effect on the final passing thereof.

READ a first, second and, by unanimous consent of the Councillors present, a third and final time this 14th day of December AD, 2015.



Mayor – David Hawco



CAO – Ryan Leuzinger

**SCHEDULE “A”
MONTHLY WATER RATES**

1. Water Base Rate Monthly Charges:

<u>Type</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Single Family Dwelling	\$25.50	\$26.50	\$27.50
Multi Family Dwelling (per complex)	\$53.00	\$54.00	\$55.00
Commercial	\$25.50	\$26.50	\$27.50
Institutional (schools, hospital, Prairie Rose Lodge)	\$25.50	\$26.50	\$27.50

2. Usage Charge per Cubic Meter Consumed:

<u>Type</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
All Accounts (\$/m3)	\$0.18	\$0.21	\$0.24
Farm Water - Regional Pipelines (\$/m3)	\$0.40	\$0.43	\$0.46

3. Other Charges:

Minimum repair cost for a damaged meter	\$50.00
Water services disconnected	\$20.00
Water services re-connected	\$20.00
Farm Water Station (per cubic meter)	\$2.50

4. Erle Rivers High School and Milk River Elementary School Irrigation Charge

Flat Rate per irrigation season = \$800 for 2016, to be reviewed for future years

**SCHEDULE “B”
MONTHLY SEWER RATES**

1. Sewer Base Monthly Charges:

<u>Type</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Single Family Dwelling	\$9.00	\$10.00	\$11.00
Multi Family Dwelling (per unit)	\$9.00	\$10.00	\$11.00
Commercial	\$12.50	\$13.50	\$14.50
Motels/Hotels	\$75.00	\$76.00	\$77.00
Institutional (seniors lodge, schools, hospital)	\$53.70	\$54.70	\$55.70

2. Usage Charge per Cubic Meter of Sanitary Sewer:

<u>Type</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
All Accounts (\$/m3)	\$0.13	\$0.16	\$0.18

3. Other Charges:

Onsite sewage dumping fee (per load) \$50 per load

**SCHEDULE “C”
MONTHLY GARBAGE RATES**

1. Monthly Garbage Charges:

<u>Type</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Single Family Dwelling	\$10.00	\$11.00	\$12.00
Multi-Family Dwelling (per garbage bin)	\$10.00	\$11.00	\$12.00
Commercial (per garbage bin)	\$15.00 for first bin; \$5 per additional bin	TBD	TBD
Institutional Schools Hospital Prairie Rose Lodge	\$18 per school \$15 for first bin; \$5 per additional bin \$45	TBD	TBD